

असाधारण

EXTRAORDINARY

भाग II — खण्ड 2

PART II — Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 20th August, 2013:—

BILL No. 113 of 2013

A Bill to establish and incorporate a national aviation University to facilitate and promote aviation studies and research to achieve excellence in areas of aviation management, policy, science and technology, aviation environment, training in governing fields of safety and security regulations on aviation and other related fields to produce quality human resources to cater to the needs of the aviation sector and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Rajiv Gandhi National Aviation University Act, 2013.

Short title and commencement.

Definitions.

- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.
- **2.** In this Act, and in all Statutes made hereunder, unless the context otherwise requires,—
 - (a) "Academic Council" means the Academic Council of the University;
 - (b) "academic staff" means such categories of staff as are designated as academic staff by the Ordinances;

- (c) "Board of Schools" means the Board of Schools of the University;
- (d) "Campus" means the unit established or constituted by the University for making arrangements for instruction, research, education and training;
- (e) "Chancellor and Vice-Chancellor" mean, respectively, the Chancellor and Vice-Chancellor of the University;
- (f) "College" means a college maintained by or admitted to the privileges of the University for imparting education and training in aviation studies or in its associated disciplines;
 - (g) "Court" means the Court of the University;
- (h) "Dean of School" means an administrative officer in charge of a college, faculty or a Division in a University;
- (i) "Department" means a Department of Studies and includes a Centre of Studies;
 - (j) "Director General" means the Director General of Civil Aviation;
- (k) "Distance Education System" means the system of imparting education through any means of communication, such as broadcasting, telecasting, internet, correspondence courses, seminars, contact programmes, e-learning or the combination of such means;
- (*l*) "employee" means any person appointed by the University and includes teachers and other staff of the University;
 - (m) "Executive Council" means the Executive Council of the University;
 - (n) "Finance Committee" means the Finance Committee of the University;
- (o) "Hall" means a unit of residence for the students of the University or of a College or an Institution maintained by the University;
- (p) "Institution" means an institution, school, college or centre of studies maintained by or admitted to the privileges of the University for imparting education, training and research in aviation studies or in its associated disciplines;
 - (q) "notification" means a notification published in the Official Gazette;
- (r) "off-shore Campus" means an institution, college, centre, school or campus of the University established outside the country;
 - (s) "principal" means the head of a college or an institution;
- (t) "recognised Institution" means an institution admitted to the privileges of the University for imparting education in aviation studies or its associated disciplines;
- (u) "recognised teachers" means such persons as are recognised by the University for the purpose of imparting instructions in a college or an institution admitted to the privileges of the University;
 - (v) "school" means a School of Studies of the University;
- (w) "Statutes", "Ordinances" and "Regulations" mean, respectively, the Statutes, the Ordinances and the Regulations of the University made under this Act;
- (x) "teachers of the University" means Professors, Associate Professors, Assistant Professors, Readers, Senior Lecturers, Lecturers and such other persons as may be appointed or recognised for imparting instruction or conducting research in the University or in any college or institution maintained by the University or for giving guidance to students for any course of study of the University are designated as teachers by the Statutes;

3 of 1956.

- (y) "University" means the National Aviation University established under this Act;
- (z) "University Grants Commission" means the Commission established under section 4 of the University Grants Commission Act, 1956.

3. (1) There shall be established a University by the name of "Rajiv Gandhi National Aviation University".

Establishment of University.

- (2) The headquarters of the University shall be at Fursatganj in the District of Raebareli in the State of Uttar Pradesh;
- (3) The University may establish or maintain campuses and centres at such other places within its jurisdiction as it may deem fit.
- (4) The first Chancellor, the first Vice-Chancellor, the first members of the Court, the Executive Council, the Academic Council, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, shall constitute the University.
- (5) The University shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall by that name, sue and be sued.
 - (6) The University shall be a teaching, research and affiliating Aviation University.
 - 4. The objects of the University shall be,—

Objects of University.

- (i) to facilitate and promote aviation studies, teaching, training, research and extension work with focus on emerging areas of studies such as aviation management, aviation regulation and policy, aviation history, aviation science and engineering, aviation law, aviation safety and security, aviation medicine, search and rescue, transportation of dangerous goods, environmental studies and other related fields, and also to achieve excellence in these and connected fields in emerging areas and such areas as may emerge in future;
- (ii) to promote advanced knowledge by providing institutional and research facilities in such branches of learning as it may deem fit and to make provisions for integrated courses in management, science and other key and frontier areas of technology and allied disciplines in the educational programmes of the University;
 - (iii) to create an ambience for learning and scholarship in aviation technology;
- (iv) to take appropriate measures for ensuring and regulating the quality of aviation education programmes in India offered by recognised institutions;
- (v) to develop academic standards of an international level and undertake other measures as it may deemed fit, to facilitate the development for skilled aviation manpower including the licensed category of aviation personnel;
- (vi) to develop various programmes for airlines, airport, aviation authorities and staff ranging from airline management and marketing, airport management, regulations and aviation law, aviation safety and security or any other programme and train manpower in aviation field;
- (*vii*) to take appropriate measures for promoting innovations in teaching-learning process, undertake inter-disciplinary studies and research.
- **5.** (1) The University shall have the following powers, namely:—

Powers of University.

(i) to provide for instructions in the aviation related natural sciences, social sciences, humanities, engineering, technology and medicine or as the University may, from time to time, determine and to make provision for research and for the advancement and dissemination of knowledge;

- (ii) to recognise aviation training colleges and institutes and to make provisions for recognising of such colleges and institutions, maintenance of standards and to undertake special studies;
- (iii) to establish and maintain campuses, departments, laboratories, libraries, museums, centres of research, training and specialised studies;
- (*iv*) to establish and maintain hostel, health centres and other related facilities like auditoria, playgrounds, gymnasiums, swimming pools and training facilities;
- (v) to establish linkages and collaborate with any other college or University, research institution, industry association, professional or any other organisations in India or outside India to conceptualise, design and develop specific programmes on aviation as part of education and research, training programmes and exchange programmes for students, academic staff and others;
- (vi) to provide for establishment of campuses, colleges and Institutions for serving a group of recognised colleges and to provide for and maintain common resource centres in such campuses in the form of libraries, laboratories, computer centres and the like centres of learning;
- (*vii*) to prepare educational programmes or courses leading to award of Diploma, Degree, Post Graduate Degrees in the field of civil aviation;
- (viii) to grant, subject to such conditions as the University may determine, degrees including doctoral degrees, diplomas or certificates other than Certificates of Competencies of licensed aviation personnel, which shall continue to be issued by Director General of Civil Aviation, Government of India till the Central Government otherwise decides, and confer degrees and other academic distinctions on the basis of examinations, evaluation or any other method of testing on persons, and to withdraw any such degrees including doctoral degrees, diplomas, certificates, or other academic distinctions for good and sufficient cause;
- (ix) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;
- (x) to organise and to undertake extra-mural studies, training and extension services:
- (xi) to institute Directorships, Principalships, Professorships, Associate Professorships, Assistant Professorships and other teaching or academic positions, required by the University and to appoint persons to such Principalships, Professorships, Associate Professorships, Assistant Professorships or academic positions;
- (*xii*) to provide for the terms and conditions of service of Directors, Principals and teachers and other members of the academic staff appointed by the University;
- (*xiii*) to appoint persons working in any other University or organisation as teachers of the University for a specified period;
- (*xiv*) to recognise an institution of higher learning for such purposes as the University may determine and to withdraw such recognition;
- (xv) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other academic staff;
- (xvi) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;
- (xvii) to create teaching, non-teaching, administrative, ministerial and other posts in the University and to make appointments thereto;

- (xviii) to co-operate or collaborate or associate with any other University or authority or institution of higher learning within India or located outside the country, in such manner and for such purposes as the University may determine;
- (*xix*) to approve appointment of persons for imparting instructions in any institution admitted to the privileges of the University and to withdraw such approval;
- (xx) to inspect recognised institutions through suitable machinery established for the purpose, and to take measures to ensure that proper standards of instruction, teaching and training are maintained by them, and adequate library, laboratory, hospital, workshop and other academic facilities are provided for;
- (xxi) to coordinate the work of different colleges and institutions working in the same and similar areas;
- (xxii) to set up facilities like computer centre, training centre, instrumentation centre, library, simulators or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objects;
 - (xxiii) to set up curriculum development centres for different subjects;
- (xxiv) to admit to its privileges colleges and institutions, not maintained by the University, and to withdraw all or any of those privileges in accordance with such conditions as may be prescribed by the Statutes;
- (xxv) to recognise guide, supervise and control Halls not maintained by the University and other accommodation for students, and to withdraw any such recognition;
- (xxvi) to make provision for research and advisory services and for that purpose, to enter into such arrangements with other institutions or bodies as the University may deem necessary;
- (xxvii) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;
- (xxviii) to institute and award fellowships, scholarships, studentships, assistantships, medals and prizes;
 - (xxix) to demand and receive payment of fees and other charges;
- (xxx) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;
- (xxxi) to make such special arrangements in respect of women students as the University may consider desirable;
 - (xxxii) to regulate the conduct of the students of the University;
- (xxxiii) to control and regulate admission of students for various courses of study in Departments, recognised institutions, schools and centres of studies;
 - (xxxiv) to regulate the work and conduct of the employees of the University;
- (xxxv) to regulate and enforce discipline among the employees and students of the University and to take such disciplinary measures in this regard as may be deemed necessary;
- (xxxvi) to make arrangements for promoting the health and general welfare of the employees of the University;
- (xxxvii) to receive benefactions, donations and gifts from persons and to name after them such chairs, institutions, buildings and the like, the University may determine, whose gift or donation to the University is worth such amount as the University may decide;

(xxxviii) to acquire, hold, manage and dispose of any property, movable or immovable, including trust and endowment properties for the purposes of the University;

(*xxxix*) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University;

- (xl) to assess needs of the students in terms of subjects, fields of specialisation, levels of education and training of technical manpower, both on short and long term basis, and to initiate necessary programmers to meet these needs;
- (*xli*) to initiate measures to enlist the co-operation of the industry to provide complementary facilities;
- (*xlii*) to provide for instruction through "distance learning" and "open approach" and for mobility of students from the non-formal open learning stream to the formal stream and *vice versa*;
- (*xliii*) to establish such campuses, special centres, specialised laboratories or other units for research and instruction as are, in the opinion of the University, necessary for the furtherance of its objective;
- (xliv) to confer autonomous status on a college or an institution or a Department, as the case may be, in accordance with the Statutes;
- (xlv) to arrange for the training to upgrade aviation standard of the employees of the industry and institutes and to levy fees for such training as prescribed by the Statutes;
- (xlvi) to establish off-shore Campus at any place outside the Country as and when it is considered necessary for advancing the aims and objects of the University; and
- (*xlvii*) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.
- (2) In exercising its powers referred to in sub-section (I), it shall be the endeavour of the University to maintain an international character and highest possible standards of teaching and research.

Jurisdiction.

6. The jurisdiction of the University shall extend to the whole of India.

University open to all classes, castes and creed. **7.** The University shall be open to persons of either sex and of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose on any person, any test whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or be admitted as a student in the University or to graduate thereat or to enjoy or exercise any privilege thereof:

Provided that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or promotion of educational interests of women, physically challenged or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and the Scheduled Tribes:

Provided further that no such special provision shall be made on the ground of domicile.

Fund of University.

- **8.** (1) There shall be a University Fund which shall include—
- (a) any contribution or grant made by the Central Government or an instrumentality of the Central Government;
 - (b) any contribution or grant made by the State Governments;
- (c) any contribution from aviation companies and aviation industry both Indian and international:

- (d) any bequests, donations, endowments or other grants made by any private individual or institution;
 - (e) income received by the University from fees and charges; and
 - (f) amounts received from any other source.
- (2) The said fund shall be utilised for such purposes of the University and in such manner as may be prescribed by the Statutes and the Ordinances.
 - **9.** (1) The President of India shall be the Visitor of the University:

The Visitor.

Provided that the President may, by order, nominate any person to be the Visitor and such person so nominated shall hold office for such term, not exceeding five years as may be specified in the order and the person so nominated shall exercise the powers and discharge duties of the Visitor.

- (2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including colleges and institutions managed by it, and to submit a report thereon; and upon receipt of that report, the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions, as he considers necessary, in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.
- (3) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipment, and of any college, institution or campus maintained by the University and also of the examinations, instruction and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, colleges or institutions.
- (4) The Visitor shall, in every matter referred to in sub-section (3), give notice to the University of his intention to cause an inspection or inquiry to be made—
 - (a) to the University, if such inspection or inquiry is to be made in respect of the University or any college or institution maintained by it, or
 - (b) to the management of the college or institution, if the inspection or inquiry is to be made in respect of the college or institution admitted to the privileges of the University, and the University or the management, as the case may be, shall have the right to make such representations to the Visitor, as it may consider necessary.
- (5) After considering the representations, if any, made by the University or the management, as the case may be, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (3).
- (6) Where any inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative, who shall have the right to be present in person and be heard at such inspection or inquiry.
- (7) The Visitor may, if the inspection or inquiry is made in respect of the University, college or institution maintained by it, address the Vice-Chancellor with reference to the result of such inspection or inquiry together with such views and advice with regard to the action to be taken thereon, as the Visitor may be pleased to offer, and on receipt of address made by the Visitor, the Vice-Chancellor shall communicate forthwith to the Executive Council the results of the inspection or inquiry, and the views of the Visitor and the advice tendered by him upon the action to be taken thereon.
- (8) The Visitor may, if the inspection or inquiry is made in respect of any college or institution admitted to the privileges of the University, address the management concerned through the Vice-Chancellor with reference to the result of such inspection or inquiry, his views thereon and such advice as he may be pleased to offer upon the action to be taken thereon.

- (9) The Executive Council or the management, as the case may be, shall communicate, through the Vice-Chancellor to the Visitor such action, if any, as it proposes to take or has been taken upon the result of such inspection or inquiry.
- (10) Where, the Executive Council or the management does not, within a reasonable time, take action to the satisfaction of the Visitor, the Visitor may, after considering any explanation furnished or representation made by the Executive Council or the management, issue such directions as he may think fit and the Executive Council shall comply with such directions.
- (11) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with the Act, the Statutes or the Ordinances:

Provided that before making any such order, the Visitor shall call upon the Registrar to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

- (12) Notwithstanding anything contained in the foregoing provisions, the Visitor may give any direction to the University after giving an opportunity to the University as the circumstances warrant.
 - (13) The Visitor shall have such other powers as may be prescribed by the Statutes.

Officers of University.

- 10. The following shall be the officers of the University:—
 - (1) the Chancellor;
 - (2) the Vice-Chancellor;
 - (3) the Deans of Schools;
 - (4) the Registrar;
 - (5) the Finance Officer;
 - (6) the Controller of Examinations; and
- (7) such other officers as may be declared by the Statutes to be officers of the University.

The Chancellor.

- 11. (I) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.
 - (2) The Chancellor shall, by virtue of his office, be the head of the University.
- (3) The Chancellor shall, if present, preside at the Convocations of the University held for conferring degrees.

The Vice-Chancellor.

- **12.** (1) The Vice-Chancellor shall be appointed by the Visitor in such manner for such term and on such emoluments and other conditions of service as may be prescribed by the Statutes.
- (2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.
- (3) The Vice-Chancellor may, if he is of opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority the action taken by him on such matter:

Provided that if the authority concerned is of opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person in the service of the University who is aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to appeal against such action to the Executive Council within ninety days from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

(4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final:

Provided that the decision of the authority concerned shall remain suspended during the period of such decision by the authority or the Visitor, as the case may be, under this sub-section.

- (5) The Vice-Chancellor may cause an inspection to be made by such person or persons as he may direct, of a College or an Institution not being maintained by the University, its buildings, libraries, laboratories and equipment, and also examinations, teaching and other work conducted or done by the college or the institution and cause an inquiry, to be made in the like manner, in respect of any matter connected with the quality of education and other academic activities of the colleges or the institutions.
- (6) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.
- **13.** Every Dean of the School shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

The Deans of Schools.

- **14.** (*I*) The Registrar shall be appointed in such manner and on such terms and conditions of service, as may be prescribed by the Statutes.
- The Registrar.
- (2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University.
- (3) The Registrar shall exercise such powers and perform such duties, as may be prescribed by the Statutes.
- **15.** The Finance Officer shall be appointed in such manner and on such terms and conditions of service and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

The Finance Officer.

16. The Controller of Examinations shall be appointed in such manner and on such terms and conditions of service and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

The Controller of Examinations.

17. The manner of appointment, terms and conditions of services and powers and duties of other officers of the University shall be prescribed by the Statutes.

Other officers.

18. The following shall be the authorities of the University, namely:—

Authorities of University.

- (1) the Court;
- (2) the Executive Council;
- (3) the Academic Council;
- (4) the Board of Affiliation and Recognition;
- (5) the Boards of Schools;
- (6) the Finance Committee; and
- (7) such other authorities as may be declared by the Statutes to be the authorities of the University.

The Court.

19. (I) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes:

Provided that such number of members, as may be prescribed by the Statutes, shall be elected from among the teachers, employees and students of the University.

- (2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—
 - (a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;
 - (b) to consider and pass resolutions on the annual report and the annual accounts of the University and the audit report on such accounts;
 - (c) to advise the Visitor in respect of any matter which may be referred to it for advice; and
 - (d) to perform such other functions as may be prescribed by the Statutes.

The Executive Council.

20. (1) The Executive Council shall be the principal executive body of the University:

Provided that until the first Executive Council is formed, the Steering Committee of the Ministry of Civil Aviation shall function as an interim Executive Council.

(2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:

Provided that such number of members as may be prescribed by the Statutes shall be from among the elected members of the Court.

The Academic Council.

- 21. (I) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, have the control and supervision over, and be responsible for, the maintenance of standards of instruction, education and examination within the University and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it as may be prescribed by the Statutes.
- (2) The Academic Council shall have the right to advise the Executive Council on all academic matters.
- (3) The constitution of the Academic Council and the term of office of its members shall be such as may be prescribed by the Statutes.

The Board of Affiliation and Recognition.

- **22.** (1) The Board of Affiliation and Recognition shall be responsible for admitting Colleges and Institutions to the privileges of the University.
- (2) The constitution of the Board of Affiliation and Recognition, the term of office of its members and its powers and duties shall be such as may be prescribed by the Statutes.

The Boards of Schools.

- **23.** (1) There shall be such number of Boards of Schools as the University may determine from time to time.
- (2) The constitution, powers and functions of the Boards of Schools shall be such as may be prescribed by the Statutes.

The Finance Committee.

24. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

Other authorities of University.

25. The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.

26. Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

Power to make Statutes.

- (a) the constitution, powers and functions of authorities and other bodies of the University, as may be constituted from time to time;
- (b) the election and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;
- (c) the manner of appointment of the officers of the University, terms and conditions of service, their powers, emoluments and functions that may be exercised and performed by such authority;
- (*d*) the manner of appointment of teachers, academic staff and other employees of the University, their emoluments and other conditions of service:

Provided that the terms and conditions of teachers, academic staff and other employees shall not be varied to their disadvantage;

- (*e*) the manner of appointment of teachers and academic staff working in any other University or organisation for a specific period for undertaking a joint project, their terms and conditions of service and emoluments;
- (f) the conditions of service of employees including provisions for pension, insurance and provident fund, the manner of termination of service and disciplinary action;
- (g) the principles governing the seniority of service of the employees of the University;
- (h) the procedure for arbitration in cases of dispute between employees or students of the University and the University;
- (i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;
 - (j) the coordination and determination of standards in the University;
- (k) the conferment of autonomous status on a College or an Institution or a Department;
- (l) the establishment and abolition of Schools, Departments, Centres, Halls, Colleges and Institutions;
 - (m) the conferment of honorary degrees;
- (n) the withdrawal of degrees, diplomas, certificates and other academic distinctions;
- (o) the conditions under which Colleges and Institutions may be admitted to the privileges of the University and the withdrawal of such privileges;
- (p) the Institution of fellowships, scholarships, studentships, assistantships, medals and prizes;
- (q) the delegation of powers vested in the authorities or officers of the University;
 - (r) the maintenance of discipline among the employees and students; and
- (s) all other matters which by this Act are to be or may be provided for by the Statutes.

Statutes how to be made.

- **27.** (1) The first Statutes of the University shall be framed by the Steering Committee of the Ministry of Civil Aviation and the copy of the same shall be laid as soon as may be, after it is made, before each House of Parliament.
- (2) Without prejudice to the provisions contained in sub-section (I), the Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes in the manner hereafter in this section provided:

Provided that the Executive Council shall not make, amend or repeal any Statutes affecting the status, powers or constitution of any authority of the University until such authority has been given reasonable opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

- (3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Visitor, who may assent thereto or withhold assent or remit to the Executive Council for reconsideration in the light of the observation, if any, made by him.
- (4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.
- (5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes or amend or repeal the Statutes referred to in sub-section (I), during the period of three years immediately after the commencement of this Act:

Provided that the Visitor may, on the expiry of the said period of three years, make, within one year from the date of such expiry, such detailed Statutes as he may consider necessary and such detailed Statutes shall be laid before both Houses of Parliament.

(6) Notwithstanding anything contained in this section, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council is unable to implement such direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably.

Power to make Ordinances.

- **28.** (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—
 - (a) the admission of students to the University and their enrolment as such;
 - (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
 - (c) the medium of instruction and examination;
 - (*d*) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;
 - (e) the fees to be charged for courses of study in the University and for admission to examinations, degrees and diplomas of the University;
 - (f) the conditions for award of fellowships, scholarships, studentships, assistantships, medals and prizes;
 - (g) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;
 - (h) the conditions of residence of the students of the University;
 - (i) the special arrangements, if any, which may be made for the residence, discipline and teaching of women students and the prescribing of special courses of studies for them:

- (*j*) the appointment and emoluments of employees other than those for whom provision has been made in the Statutes;
- (*k*) the establishment of Centre of Studies, Board of Studies, Special centre, Specialised Laboratories and other Committees;
- (*l*) the manner of co-operation and collaboration with other Universities in India or abroad and authorities including learned bodies or associations;
- (*m*) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
- (n) such other terms and conditions of service of teachers and other academic staff as are not prescribed by the Statutes;
- (o) the supervision and management of Colleges and Institutions admitted to the privileges of the University;
 - (p) the setting up of a machinery for redressal of grievances of employees; and
- (q) all other matters which by this Act or the Statutes may be provided for by the Ordinances.
- (2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.
- **29.** The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances in the manner prescribed by the Statutes, for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances.

Regulations.

30. (1) The annual report of the University shall be prepared under the direction of the Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or after such date as may be prescribed by the Statutes and the Court shall consider the report in its annual meeting.

Annual report.

- (2) The Court shall submit the annual report to the Visitor along with its comments, if any.
- (3) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.
- (4) A copy of the annual report shall also be exhibited on the website of the University after having been laid in both Houses of Parliament.
- **31.** (*I*)The annual accounts and balance-sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf.

Annual accounts.

- (2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Court along with the observations if any, of the Executive Council and the Court will submit the same to the Visitor along with its observation.
- (3) Any observation made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.
- (4) A copy of the annual accounts together with the audit report, as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.

(5) The audited annual accounts after having been laid before both Houses of Parliament shall be published in the Gazette of India.

Returns and information.

32.The University shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require, within such period as may be specified by the Central Government.

Conditions of service of employees.

- **33.** (1) The University shall enter into written contract of service with every employee of the University appointed on regular basis or otherwise and the terms and conditions of the contract shall not be inconsistent with the provisions of this Act, the Statutes and the Ordinances.
- (2) A copy of the contract referred to in sub-section (1) shall be kept with the University and a copy thereof shall also be furnished to the employee concerned.

Tribunal of Arbitration.

- **34.** (1) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor.
- (2) The decision of the Tribunal of Arbitration shall be final and binding on the parties and no suit shall lie in any civil court in respect of the matters decided by the Tribunal:

Provided that nothing in this sub-section shall preclude the employee from availing of the judicial remedies available under articles 32 and 226 of the Constitution.

(3) Every request made by the employee under sub-section (1), shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.

26 of 1996.

(4) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

Procedure of appeal and arbitration in disciplinary cases against students.

- 35. (I) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Disciplinary Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.
- (2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of section 36 shall, as far as may be, apply to a reference made under this sub-section.

Right to appeal.

36. Every employee or student of the University, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University or of the Principal of any College or Institution, as the case may be, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against.

Provident and pension fund.

- 37. (1) The University shall constitute for the benefit of its employees such provident or pension fund or provide such insurance schemes as it may deem fit in such manner and subject to such conditions as may be prescribed by the Statutes.
- (2) Where such provident fund or pension fund has been so constituted, the Central Government may declare that the provision of the Provident Funds Act, 1925 shall apply to such fund, as if it were a Government provident fund.

19 of 1925.

38. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

Disputes as to constitution of University authorities and bodies.

39. Where any authority of the University is given power by this Act or the Statutes to appoint Committees, such Committees shall, save as otherwise provided, consist of the members of the authority concerned and of such other person, if any, as the authority in each case may think fit.

Constitution of Committees.

40. All the casual vacancies among the members (other than *ex officio* members) of any authority or other body of the University shall be filled, as soon as may be convenient, by the person or body who appointed, elected or co-opted the members whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person of whose place he fills would have been a member.

Filling of casual vacancies.

41. No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Proceedings of University authorities or bodies not invalidated by vacancies.

42. No suit or other legal proceedings shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Protection of action taken in good faith.

43. A copy of any receipt, application, notice, order, proceedings resolution of any authority or Committee of the University, or other documents in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or documents or the existence of entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence, notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force.

Mode of proof of University record.

44. (*I*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

- (2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.
- **45.** (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette and hosted on the website of the University.
- (2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

1 of 1872.

Statutes, Ordinances and Regulations to be published in the Official Gazette and to be laid before Parliament. (3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or Regulation may be applicable.

Transitional provisions.

- **46.** Notwithstanding anything contained in this Act and the Statutes,—
- (a) the first Chancellor and the first Vice-Chancellor shall be appointed by the Visitor in such manner and on such conditions as may be deemed fit and each of the said officers shall hold office for such term, not exceeding five years, as may be specified by the Visitor;
- (b) the first Registrar and the first Finance Officer shall be appointed by the Visitor on the recommendation of the Vice-Chancellor and each of the said officers shall hold office for a term of three years;
- (c) the first Court and the first Executive Council shall consist of not more than ten members and ten members, respectively, who shall be nominated by the Visitor and shall hold office for a term of three years;
- (*d*) the first Academic Council shall consist of not more members than Executive Council and they shall hold office for a term of three years:

Provided that any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be, by the Visitor, and the person so appointed or nominated shall hold office for so long as the officer or member in whose place he is appointed or nominated would have held that office, if such vacancy have not occurred.

Completion of courses of studies in Colleges or Institutions affiliated to University. **47.** Notwithstanding anything contained in this Act, or in the Statutes or the Ordinances, any student of a College or an Institution, who, immediately before the admission of such College or Institution to the privileges of the University, was studying for a degree, diploma or certificate of any University constituted under any Act, shall be permitted by the University, to complete his course for that degree, diploma or certificate, as the case may be, and the University shall provide for the instructions and examination of such student in accordance with the syllabus of studies of such College or Institution or University, as the case may be.

Role of Central Government.

- **48.** (1) The University shall, in discharge of its functions under this Act, be bound by such directions on questions of policy as the Central Government may give in writing to it from time to time.
- (2) The decision of the Central Government as to whether a question is one of policy or not shall be final.

STATEMENT OF OBJECTS AND REASONS

Civil Aviation is a key infrastructure sector that facilitates growth of business, trade and tourism, with significant multiplier effects across the economy. In 2006 Kaw Committee had recommended setting up of a National Aviation University in India. The 12th Five Year Document has also made a similar recommendation to augment qualified and trained manpower for aviation sector in India.

- 2. Future outlook of Indian aviation sector is highly encouraging with India poised to be amongst top three aviation markets in the world within next two decades. Forecasts of air traffic suggest a robust growth of the sector and its implied demand requires skilled human resources to upgrade and operate infrastructure across segments such as airlines, airports, ground-handling, cargo operations, maintenance, repair and overhaul, etc.
- 3. The quantitative estimates and qualitative gaps indicate that the sector is grappling with inadequacy of skilled, managerial and operational personnel needed to steer the sector in its growth phase.
- 4. There is a marked absence of credible institutions imparting specialised technical and managerial training in air transportation, safety, security and regulatory areas. There is a virtual vacuum in the field of operational research in civil aviation in the country. Existing research institutions are islands of excellence operating in silos which have a discipline specific rather than a sector specific and inter-disciplinary approach to Aviation Sector.
- 5. The opportunity cost of not investing in human resources required for civil aviation sector in India at this juncture would result in reduced growth, increased cost of operations, compromise on safety and missed opportunities. Hence, a holistic intervention is required to address the manpower challenges facing the sector. The sector needs an apex education institution in the country. Thus setting up of a National Aviation University is, therefore, an imperative need of the sector.
- 6. The objects of the proposed legislation is to establish National Aviation University as a Central University and as autonomous body under the administrative control of Ministry of Civil Aviation to be called "Rajiv Gandhi National Aviation University" which will facilitate and promote aviation studies, teaching, training, research and extension work with focus on emerging areas of studies such as aviation management, aviation regulation and policy, aviation history, aviation science and engineering, aviation law, aviation safety and security, aviation medicine, search and rescue, transportation of dangerous goods, environmental studies and other related fields, and also to achieve excellence in these and connected fields in emerging areas and such areas as may emerge in future and to act as a knowledge partner to safety and security regulators by providing required academic inputs to help them execute their enforcement responsibility better.
- 7. Since there is sizeable number of institutions providing flying training, there is a need to standardize the quality of such education and training through affiliation and academic supervision by a Central University.
 - 8. The Bill seeks to achieve the above objects.

AJIT SINGH.

New Delhi; *The 5th August*, 2013.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. AV. 28060/06/2011-ER, dated 30 July, 2013 from Shri Ajit Singh, Minister of Civil Aviation to the Secretary-General, Lok Sabha]

The President, having been informed of the subject matter of the proposed Rajiv Gandhi National Aviation University Bill, recommends the introduction of the Bill in the House under article 117 (1) and consideration of the Bill under article 117(3) of the Constitution.

Notes on clauses

- Clause 1.— This clause relates to short title and commencement of the proposed legislation.
- Clause 2.— This clause defines certain expressions used in the proposed legislation. These definitions, *inter alia*, include "Academic Council", "Board of Schools", "Distance Education System".
- Clause 3.— This clause contains provision for establishment of the Rajiv Gandhi National Aviation University at Fursatganj, Raebareli, Uttar Pradesh and makes provision for the establishment and maintenance of its campuses and centres.
- Clause 4.— This clause contains objectives of the University as to promote aviation studies, teaching, training, research and extension work with focus on emerging areas of studies related to aviation and to act as a knowledge partner to safety and security regulators by providing required academic inputs to help them execute their enforcement responsibility better.
- Clause 5.— This clause enumerates the powers of the University which includes, *inter alia*, to provide for instructions, to recognise aviation training colleges and to confer honorary degrees or other distinctions.
 - Clause 6.— This clause provides the jurisdiction of the University.
- Clause 7.— This clause provides that the University shall be open to all persons irrespective of gender, classes, caste and creed.
 - Clause 8.— This clause provides for Fund of the University.
- Clause 9.— This clause provides that the President shall be the Visitor of the University who shall in that capacity appoint one or more persons to review the work and progress of the University including colleges and institutions managed by it.
- Clause 10.— This clause provides for the officers of the University which includes the Chancellor, the Vice-Chancellor, the Deans of Schools, the Registrars, the Finance Officer, the Controller of Examinations, and such other officers as may be declared by the Statutes.
- Clause 11.— This clause provides that the Chancellor shall be appointed by the Visitor who shall be the head of the University and preside at the Convocations of the University.
- *Clause* 12.— This clause provides that the Vice-Chancellor shall be appointed by the Visitor who shall be the principal academic and executive officer of the University.
 - *Clause* 13.— This clause contains provision for Deans of Schools.
- Clause 14.— This clause contains provisions relating to the appointment of the Registrar who shall have the power to enter into, and sign agreements and authenticate records on behalf of the University.
 - Clause 15.— This clause contains provisions relating to the Finance Officer.
 - *Clause* 16.— This clause contains provisions relating to the Controller of Examinations.
 - *Clause* 17.— This clause contains provisions relating to other officers of the University.
- Clause 18.— This clause provides for the authorities of the University, namely, (i) the Court; (ii) the Executive Council; (iii) the Academic Council; (iv) the Board of Affiliation and Recognition; (v) the Boards of Schools; (vi) the Finance Committee; and (vii) such other authorities as may be declared by the Statutes to be the authorities of the University.

- Clause 19.— This clause provides for the constitution of the Court and its powers.
- *Clause* 20.— This clause contains provisions relating to the Executive Council who shall be the principal executive body of the University.
- Clause 21.— This clause contains provisions relating to the Academic Council who shall be the principal academic body of the University and shall have the control and supervision over, and be responsible for, the maintenance of standards of education, instruction and examination within the University.
- *Clause* 22.— This clause provides that the Board of Affiliation and Recognition shall be responsible for admitting Colleges and Institutions to the privileges of the University.
- *Clause* 23.— This clause contains provisions relating to the Boards of School as may be prescribed by Statute.
- *Clause* 24.— This clause contains provisions relating to other authorities as may be prescribed by Statute.
- *Clause* 25.— This clause contains provisions relating to other authorities as may be prescribed by Statute.
- Clause 26.— This clause provides for framing of the Statutes with respect to the constitution, powers and functions of authorities of the University; the manner of appointment of the officers of the University, terms and condition of the service, emoluments of such authorities; the condition of service of employees; the procedure of arbitration in cases of dispute; the establishment and abolition of Schools, Centres, Departments and Institutions; the conferment of honorary degrees and withdrawal of degrees.
- Clause 27.— This clause provides for the procedure regarding framing of the first Statutes of the University and also to make new or additional Statutes as well as their amendment and appeal.
 - Clause 28.— This clause provides for the making of the Ordinances of the University.
 - Clause 29.— This clause provides for the making of the Regulations of the University.
- Clause 30.— This clause provides that the annual report of the University shall be submitted to the Central Government which shall be laid before both Houses of Parliament and exhibited on the website of the University.
- Clause 31.— This clause contains provisions relating to annual accounts and balance sheet of the University and also that a copy of the annual accounts report alongwith audit report shall be submitted to the Court which shall be laid before both Houses of Parliament and audited annual account published in the Gazette.
- Clause 32.— This clause contains that returns and information with respect to the property or activity of the University shall be furnished to the Central Government.
- *Clause* 33.— This clause provides for the conditions of service of the employees of the University.
- Clause 34.— This clause provides for the establishment of a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor.
- *Clause* 35.— This clause provides for procedure of appeal and arbitration in disciplinary cases against students of the University.
- Clause 36.— This clause provides the right to appeal, as prescribed by the Statutes.
- *Clause* 37.— This clause provides for constitution of provident and pension funds for employees of the University.

- *Clause* 38.— This clause contains provisions relating to the settlement of disputes as to the constitution of authorities and bodies.
- Clause 39.— This clause provides for constitution of various Committee as the authority may think fit.
- *Clause* 40.— This clause provides for filling of casual vacancies of any authority or other body of the University.
- *Clause* 41.— This clause provides that the act or proceedings of any authority or any other body of the University shall not be invalidated by vacancies among its members.
 - Clause 42.— This clause provides for protection for action taken in good faith.
- *Clause* 43.— This clause provides that documents of the University shall be treated as the evidence of the matter and the transactions of the University.
 - Clause 44.— This clause relates to the power to remove difficulties.
- *Clause* 45.— This clause provides for the publication of every Statute, Ordinance or regulation made in the official Gazette and website of the University. It further provides for its laying before each House of Parliament.
 - *Clause* 46.— This clause provides for transitional provisions.
- *Clause* 47.— This clause makes provisions for completion of courses of studies in Colleges or Institutions affiliated to the University.
- *Clause* 48.— This clause provides that the University be bound by the directions of Central Government on question of policy.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for establishment of the Rajiv Gandhi National Aviation University at Fursatganj, Raebareli, Uttar Pradesh.

- 2. The Central Government would support the cost of setting up the proposed University with an estimated Central Government's funding of Rupees 202 crore in Phase-I (2013-14 to 2018-19) on the land available with Indira Gandhi Rashtriya Udan Academy (IGRUA), a society set up as an autonomous body under Ministry of Civil Aviation in Raebareli District of Uttar Pradesh.
- 3. Details of capital and non-recurring expenditure involved for setting up of Rajiv Gandhi National Aviation University (RGNAU) Phase-I have been assessed as below:

2013-14 2018-19 **Financials** 2014-15 2015-16 2016-17 2017-18 (Rs. In Crore) 11.8 18.0 44.4 Income (A) 6.2 32.3 26.4 31.5 Recurring 18.6 40 4 53.7 Expenditure (B) Shortfall (C=A-B) (12.4)(14.6)(9.3)(13.5)(8.1)Capital 46.9 97.7 Expenditure (D) 46.9 12.4 112.3 8.1 9.3 Budgetary support 13.4

Table: Financial Projections of RGNAU (Phase I)

Summary of financial implications in Phase-I (2013-19) is as under:—

- A. Capital expenditure= Rupees 145 crore
- B. Recurring expenditure = Rupees 170 crore
- C. Revenue generated =Rupees 113 crore
- D. Project outlay (A+B-C=D) = Rupees 202 crore.
- 4. While attempts would be made to make the University financially self-sustaining, in line with the support extended by the Central Government to the Central University, the Central Government would support funding for capital expense and operational viability gap. The recurring and non-recurring expenditure would be met from the Consolidated Fund of India. Besides, the University may also obtain grants from industry on Institution of chair professorships for professor salaries, research and international collaboration.
- 5. About 26.35 acres of land available with Indira Gandhi Rashtriya Udan Academy has been identified for setting up of Rajiv Gandhi National Aviation University in its first Phase. As such, there is no cost involved in acquisition of land in the first Phase.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 26 of the Bill enumerates the matters in respect of which Statutes may be made. These matters relate to the (i) the constitution, powers and functions of authorities of the University; (ii) the manner of appointment of the officers of the University, terms and condition of the service, emoluments of such authorities; (iii) the condition of service of employees; (iv) the procedure of arbitration in cases of dispute; (v) the establishment and abolition of Schools, Centres, Departments and Institutions; (vi) the conferment of honorary degrees and withdrawal of degrees.

- 2. Clause 27 of the Bill provides that the first Statutes of the University shall be framed by the Steering Committee of the Ministry of Civil Aviation and the Executive Council make new or additional Statutes or may amend or repeal the Statutes with assent of the Visitor.
- 3. Clause 28 provides that the Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances may be amended repealed or added to at any time by the Executive Council prescribed the Statutes. Subclause 1 of the said clause specifies the matters in respect of which such Ordinances may be made. Those matters, *inter alia*, relates to (a) the admission of students, the courses of study and fees, therefore, the qualifications pertaining to degrees, diplomas, certificates and other courses, the conditions for the grant of fellowships, awards and the like; (b) the conduct of examinations, including the terms and conditions and manner of appointment of examiners; (c) any other matter which by the proposed legislation or the Statutes is to be, or may be, provided for by the Ordinances.
- 4. Clause 29 of the Bill enables the authorities of the University to make regulations, consistent with the proposed legislation, the Statutes and the Ordinances for the conduct of their own business and that of the Committees, if any appointed by them and not provided for by the proposed legislation, the Statutes or the Ordinances in the manner prescribed by the Statutes.
- 5. The matters in respect of which the Statutes or Ordinances or Regulations may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative powers is, therefore, of a normal character.

BILL No. 130 of 2013

A Bill to provide for constitution of a Civil Aviation Authority for administration and regulation of civil aviation safety, for the better management of civil aviation safety oversight over air transport service operators, air service navigation operators and operators of other civil aviation facilities, matters relating to impact of financial stress on safety operations, consumer protection and environment regulations in civil aviation sector and for proper implementation of the provisions of the Aircraft Act, 1934 and the rules made thereunder and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

- **1.** (*I*) This Act may be called the Civil Aviation Authority of India Act, 2013.
- (2) It extends to the whole of India and it applies also—
 - (a) to all citizens of India wherever they may be;
- (b) to aircraft, and to all persons on aircraft registered in India wherever they may be;
- (c) to aircraft, and to all persons on aircraft registered outside India but for the time being in or over India; and

- (d) to aircraft operated by a person who is not a citizen of India but has his principal place of business or permanent residence in India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
 - 2. In this Act, unless the context otherwise requires,—

Definitions.

- (a) "aerodrome" means any definite or limited ground or water area intended to be used, either wholly or in part, for the landing or departure or surface movement of aircraft, and includes all buildings, sheds, vessels and other structure thereon or appertaining thereto;
- (b) "Airports Authority of India" means the Airports Authority of India constituted under section 3 of the Airports Authority of India Act, 1994;
- (c) "air navigation service" includes air traffic management, communications, navigation and surveillance systems, meteorological services for air navigation, search and rescue and aeronautical information services provided to air traffic during approach, aerodrome and en route and all other phases of operations;
- (d) "air traffic service" includes flight information service, alerting service, air traffic advisory service, air traffic control service, area control service, approach control service and airport control service;
 - (e) "air transport operator" means the operator of an air transport service;
- (f) "air transport service" means any service, for any kind of remuneration whatsoever, for the transport by air of persons, mails or any other thing, animate or inanimate, whether such service relates to a single flight or series of flights;
- (g) "air transport undertaking" means an undertaking whose business includes the carriage, by air, of passengers or cargo for hire or reward;
- (h) "appointed day" means such date as the Central Government may, by notification in the Official Gazette, appoint;
- (i) "Authority" means the Civil Aviation Authority of India constituted under section 3;
- (*j*) "Chairperson" means the Chairperson of the Authority appointed under clause (*a*) of sub-section (*I*) of section 4;
- (k) "Convention" means the Convention relating to International Civil Aviation signed at Chicago on the 7th day of December, 1944 and Annexes thereto relating to international standards and recommended practices;
- (*l*) "Director-General" means Director-General of the Authority appointed under clause (*b*) of sub-section (*l*) of section 4;
- (*m*) "International Civil Aviation Organisation" means the International Civil Aviation Organisation created under the Convention;
- (n) "Member" means a Member of the Authority appointed under clause (c) of sub-section (1) of section 4 and includes the Chairperson and the Director-General;
- (*o*) "notification" means a notification published in the Official Gazette and the expression "notify" with its cognate meanings and grammatical variation shall be construed accordingly;
 - (p) "prescribed" means prescribed by rules made under this Act;
 - (q) "regulations" means regulations made under this Act;
 - (r) "service provider" means any person who provides any service ancillary to

55 of 1994.

air transport services for any kind of remuneration whatsoever, and includes the air traffic services, ground safety and ground handling services, aeronautical communication and navigational aids and meteorological services, but does not include services for the provision of aviation security.

CHAPTER II

CONSTITUTION OF CIVIL AVIATION AUTHORITY

Constitution of Authority.

- **3.** (1) With effect from the appointed day, the Central Government shall, by notification constitute an Authority to be called the Civil Aviation Authority of India.
- (2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property both movable and immovable, and to contract and shall by the said name sue and be sued.
 - (3) The head office of the Authority shall be at New Delhi.

Composition of Authority.

- **4.** (1) The Authority shall consist of
 - (a) a Chairperson to be appointed by the Central Government;
 - (b) the Director-General to be appointed by the Central Government; and
- (c) not less than seven Members and not more than nine Members to be appointed by the Central Government.
- (2) The Director-General and not more than five other Members shall be appointed as whole-time Members and they shall not hold any other office.
- (3) The Chairperson shall be chosen from amongst persons who have special knowledge of and professional experience in civil aviation, engineering or management:

Provided that a person who is or has been in the service of the Government shall not be appointed unless such person has held the post of the Secretary to the Government of India or an equivalent post in the Central Government or the State Government.

- (4) The Director-General and the whole-time Members, shall be chosen from amongst persons who have such qualification, professional experience and competence as may be prescribed in the field of—
 - (a) airworthiness and aircraft engineering;
 - (b) flight standard operations;
 - (c) aviation safety;
 - (d) aerodromes, air navigation systems and air space management;
 - (e) air transport, matters relating to impact of financial stress on safety of operations, consumer protection and environment regulations; and
 - (f) human resource and finance.
- (5) The Chairperson, Director-General and other Members shall be appointed by the Central Government on the recommendation of a Selection Committee referred to in section 5.
 - (6) The Director-General shall be the Chief Executive of the Authority.

Constitution of Selection Committee.

- 5.(1) The Central Government shall, for the appointment of the Chairperson, Director-General and whole-time Members, constitute a Selection Committee consisting of the following, namely:—
 - (a) Cabinet Secretary—Chairperson;

- (b) Secretary, in the Ministry of Civil Aviation Member;
- (c) Secretary, in the Ministry of Law and Justice Member;
- (d) Secretary (Personnel), in the Department of Personnel and Training—Member;
- (e) one expert to be nominated by the Ministry of Civil Aviation Member.
- (2) The Central Government shall, within one month from the date of occurrence of any vacancy by reason of death, resignation or removal of the Chairperson or a Member and six months before the superannuation or end of tenure of the Chairperson or any Member, make a reference to the Selection Committee for filling up of the vacancy.
- (3) The Selection Committee shall finalise the selection of the Chairperson, Director-General and whole-time Members within one month from the date on which the reference is made to it.
- (4) The Selection Committee shall recommend a panel of two names for every vacancy referred to it.
- (5) Before recommending any person for appointment as a Chairperson or Director-General or other Member of the Authority, the Selection Committee shall satisfy itself that such person does not have any financial or other interest, which is likely to affect prejudicially his functions as a Member.
- (6) No appointment of the Chairperson, Director-General or other Member shall be invalid merely for reason of any vacancy in the Selection Committee.
 - **6.** A person shall be disqualified for being appointed as a Member if he—

Disqualification for office of Member.

- (a) has been convicted and sentenced to imprisonment for an offence, which, in the opinion of the Central Government, involves moral turpitude; or
 - (b) is an undischarged insolvent; or
 - (c) is of unsound mind and stands so declared by a competent court; or
- (d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or
- (e) has, in the opinion of the Central Government, such financial or other interest in the Authority as is likely to affect prejudicially the discharge by him of his functions as a Member.
- 7. (1) Subject to the provisions of section 8,—

(a) the Chairperson, Director-General and other whole-time Member shall hold office for a term of five years from the date on which he enters upon his office:

Provided that no whole-time Member shall hold office, as such, after he attains—

- (i) in case of the Chairperson, the age of sixty-five years; and
- (ii) in case of the Director-General or other whole-time Members, the age of sixty-two years;
- (b) every part-time Member shall hold office for a period of three years from the date on which he assumes office.
- (2) The salary, allowances and other conditions of service of the Chairperson, Director-General and other Members shall be such as may be prescribed.
- (3) The salary, allowances and other conditions of service of the Chairperson, Director-General and other Members shall not be varied to his disadvantage after their appointment.
- (4) The Chairperson, Director-General or any Member may resign his office giving notice, in writing for such period, as may be prescribed, to the Central Government and, on

Term of office and conditions of service of Members.

such resignation being notified by the Government, such Member shall be deemed to have vacated his office.

Removal and suspension of Members.

- **8.** (1) The Central Government may, by order, remove from office the Chairperson or other Members, if the Chairperson or such other Member, as the case may be,
 - (a) has been adjudged an insolvent; or
 - (b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

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- (c) has become physically or mentally incapable of acting as a Member; or
- (d) has acquired such financial or other interest, as is likely to affect prejudicially his functions as a Member; or
- (e) has so abused his position, as to render his continuance in office prejudicial to the public interest; or
 - (f) has engaged at any time during his term of office in any other employment.
- (2) The Chairperson or any other Member shall not be removed from his office except by an order of the Central Government on the ground of his proved misbehaviour or incapacity after the Central Government, has, on an inquiry, held in accordance with the procedure prescribed in this behalf by the Central Government, come to the conclusion that the Member ought on any such ground to be removed.
- (3) The Central Government may suspend any Member in respect of whom an inquiry under sub-section (2) is being initiated or pending until the Central Government has passed an order on receipt of the report of the inquiry.

Eligibility of Member for re-appointment.

9. Any person ceasing to be a Member shall, unless disqualified under section 6 or removed under section 8, be eligible for re-appointment.

Powers and functions of Chairperson.

10. The Chairperson shall have powers of general superintendence and directions in the conduct of the affairs of the Authority and he shall, in addition to presiding over the meetings of the Authority, exercise and discharge such powers and functions of the Authority as may be prescribed or delegated to him by the Authority.

Meetings.

- 11.(I) The Authority shall meet at such times and places and shall observe such rules of procedure in regard to the transaction of business at its meetings (including the quorum at such meetings), as may be specified by regulations.
- (2) The Chairperson shall preside over the meeting of the Authority and, if for any reason he is unable to attend any meeting of the Authority, the Director-General or in his absence any other Member chosen by the Members present at the meeting shall preside at the meeting.
- (3) All questions which come up before any meeting of the Authority shall be decided by a majority of the votes of the Members present and voting and in the event of equality of votes, the Chairperson, or in his absence the person presiding, shall have and exercise a second or casting vote.

Vacancies not to invalidate proceedings of Authority.

- 12. No act or proceeding of the Authority shall be invalid merely by reason of—
 - (a) any vacancy in, or any defect in the constitution of the Authority; or
- (b) any defect in the appointment of a person acting as a Member of the Authority; or
- (c) any irregularity in the procedure of the Authority not affecting the merits of the case.

13. The Authority shall, in the discharge of its functions under this Act, work, as far as possible, on not-for-profit principles.

Authority to work on not-for-profit principles.

CHAPTER III

FUNCTIONS, DUTIES AND POWERS OF AUTHORITY

14. (I) Notwithstanding anything contained in the Aircraft Act, 1934, the Authority shall be responsible for the proper implementation of the Aircraft Act, 1934 and for that purpose it shall discharge all the duties assigned to the Director-General of Civil Aviation under that Act and the rules made thereunder.

Functions, duties and powers of Authority.

- (2) Subject to the rules, if any, made by the Central Government in this behalf, it shall be the function of the Authority to regulate civil aviation safety, and provide for the better management of civil aviation through safety oversight of air transport operators, air port operators, air navigation service operators and providers of other civil aviation services or facilities.
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- (3) Notwithstanding anything contained in the Aircraft Act, 1934 and the rules, if any, made by the Central Government in this behalf, it shall be the duty of the Authority—

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- (a) to issue licences, certificates, permits, approvals, and any other legal authority or document required to be issued under the Aircraft Act, 1934 and rules framed thereunder or necessary for the safety of civil aviation sector;
 - (b) to regulate the activities of air transport operators;
- (c) to provide environment regulations for airports, airlines and other civil aviation activities; and
- (d) to protect the interests of consumers under this Act or rules or regulations made thereunder.
- (4) Without prejudice to the generality of the provisions contained in sub-sections (1) to (3), the Authority may—

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- (a) perform all functions and duties required to be performed by the Director-General of Civil Aviation under the Aircraft Act, 1934 and the rules made thereunder;
- (b) draw up a State Safety Programme and approve safety management systems and look after their implementation in coordination with other concerned authorities;

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- (c) recommend to the Central Government amendments to the Aircraft Act, 1934 and the rules made thereunder for complying with the amendments to Annexes to Convention and initiate proposals for amendment to any other Act or for passing a new Act in order to give effect to an international convention or amendment to an existing convention;
- (d) coordinate on matters relating to the International Civil Aviation Organisation with all agencies and send replies to the letters of signatory States to the Convention, and take all necessary action arising out of the Safety Oversight Audit Programme of the International Civil Aviation Organisation in consultation with the Ministry of Civil Aviation;
- (e) cooperate with national civil aviation authorities of other countries and work on cooperative programmes at regional and global levels in consultation with the Ministry of Civil Aviation;
- (f) act as main agency for implementing provisions in India of Annex 9 to the Convention and coordinating matters relating to facilitation at Indian airports including meetings of the National Facilitation Committee;

- (g) render advice to the Central Government on matters relating to air transport including bilateral air services agreements, matters relating to the International Civil Aviation Organisation and generally on all technical matters relating to civil aviation;
- (h) coordinate and regulate Indian air space at national level including all aviation matters relating to civil and military coordination such as flexi-use of air space by civil and military air traffic and interact at regional and global levels including the International Civil Aviation Organisation for issues relating to Indian air space management;
- (i) provide safety oversight of air navigation services in the Indian air space and the assigned oceanic air space;
 - (j) provide safety oversight of aviation related meteorological services;
 - (k) exercise regulatory power over foreign registered aircraft;
- (*l*) prepare and update Aeronautical Information Publications under the rules made under the Aircraft Act, 1934;

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- (*m*) keep a check on aircraft noise and engine emissions in accordance with Annex 16 to the Convention and collaborate with the environmental agencies in this matter;
- (n) encourage indigenous design and manufacture of aircraft and aircraft components by acting as catalytic agent;
- (*o*) establish training institutions for the training of civil aviation personnel, including its own officers and employees;
- (p) carry out analysis of traffic data and prepare reports on the overall aviation developments in the country, make projections for international and domestic traffic as well as projection of aircraft demand in India, and assist airline and airport operators to draw up their expansion plans;
- (q) issue directions on subjects covered by the above functions, duties and powers;
- (r) take all such steps as may be necessary or convenient for, or may be incidental to, the exercise of any power or the discharge of any function conferred or imposed on it by this Act, the Aircraft Act, 1934 and rules framed thereunder;

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- (s) carry out any other function, duty and responsibility which may be entrusted to it by the Central Government; and
- (t) lay down standards of quality of service to be provided by the air transport operators, air traffic service providers and air transport service providers, and monitor and enforce the set performance standards relating to quality, reliability and continuity of service.
- (5) The Authority, for the purpose of enabling it to efficiently discharge its functions under this Act, may—
 - (a) create posts of officers and other employees, as it considers necessary with the prior approval of the Central Government;
 - (b) select and appoint personnel necessary to carry out the functions and duties of the Authority;
 - (c) obtain the services of consultants, advisors, attorneys and agents as shall be necessary to carry out the functions of the Authority by engaging them on contract basis and provide for their remuneration consistent with industry standards in India:

Provided that the salary, allowances and other terms and conditions of service of the officers and employees of the Authority other than those referred to in clause (c)

above shall be the same as that of the officers and employees of the Central Government.

- (6) While discharging its functions and duties under sub-sections (1) to (5), the Authority shall not act against the interest of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality.
- (7) The Authority shall ensure good governance including transparency and fairness while exercising its powers and discharging its functions, *inter alia*, by—
 - (a) holding due consultations with stake-holders as may be appropriate including setting up of user council;
 - (b) allowing stake-holders to make their submissions to it; and
 - (c) making its decisions fully documented and explained.
- **15.** (*I*) Where the Authority considers it expedient so to do, it may by order in writing,—
 - (a) call upon any air transport operator or service provider at any time to furnish in writing such information, including financial data, or explanation relating to its functions as the Authority may require;
 - (b) appoint one or more persons to make an inquiry in relation to the affairs of any air transport operator or service provider; and
 - (c) direct any of its officers or employees to inspect the books of account or other documents of any air transport operator or service provider.
- (2) Where any inquiry in relation to the affairs of any air transport operator or service provider has been undertaken under sub-section (I)
 - (a) every office of the Government Department, if such operator or service provider is a Department of the Government; or
 - (b) every director, manager, secretary or other officer, if such operator or service provider is a company; or
 - (c) every partner, manager, secretary or other officer, if such operator or service provider is a firm; or
 - (d) every other person or body of persons who has had dealings in the course of business with any of the persons mentioned in preceding clause (b) or clause (c),

shall be bound to produce before the Authority making the inquiry, all such books of account or other documents in his custody or power relating to, or having a bearing on the subject matter of such inquiry and also to furnish to the Authority with any such statement or information relating thereto, as the case may be, required of him, within such time as may be specified.

- (3) Every air transport operator or service provider shall maintain such books of account or other documents as may be specified by regulations.
- (4) The Authority shall have the power to issue such directions to monitor the performance of the air transport operators or any service provider, as it may consider necessary for proper functioning by such operator or service provider.
- **16.** The Authority may, for the purpose of discharge of any of its functions and duties under this Act, issue from time to time to the air transport operators or to any other service providers such directions as it may consider necessary.
- 17. The Authority or any other officer specially authorised by it in this behalf may enter any building or place where the Authority has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document

Powers of Authority to call for information, conduct investigations, etc.

Power of Authority to issue directions.

Power of seizure.

or take extracts or copies therefrom subject to the provisions of section 100 of the Code of Criminal Procedure, 1973 in so far as they may be applicable.

2 of 1974.

CHAPTER IV

PROPERTY AND CONTRACT

Transfer of assets and liabilities of Central Government to Authority.

- **18.** (1) On and from the appointed day, there shall be transferred to and vest in the Authority—
 - (a) all properties and other assets including the equipment and facilities vested in the Central Government and administered by the Director-General of Civil Aviation immediately before the appointed day;
 - (b) all properties and other assets vested in the Central Government, for the purposes of the regional and sub-regional offices or any other offices, administered by the Director-General of Civil Aviation immediately before the appointed day;
 - (c) all residential buildings owned by the Central Government for use by the Director-General of Civil Aviation immediately before the appointed day.
- (2) All debts, obligations and liabilities incurred, all contracts entered into, and all matters and things engaged to be done by, with, or for the Central Government immediately before the appointed day for or in connection with the purposes of the Directorate-General of Civil Aviation shall be deemed to have been incurred, entered into and engaged to be done by, with or for the Authority.
- (3) All non-recurring expenditure incurred by the Central Government for or in connection with the purposes of the Directorate-General of Civil Aviation up to the appointed day and declared to be capital expenditure by the Central Government shall subject to such terms and conditions as may be prescribed, be treated as capital provided by the Central Government to the Authority.
- (4) All sums of money due to the Central Government in relation to any activities or purposes of the Directorate-General of Civil Aviation immediately before the appointed day shall be deemed to be due to the Authority.
- (5) All suits and other legal proceedings instituted or which could have been instituted by or against the Central Government immediately before such date for any matter in relation to any activities or purposes of the Directorate-General of Civil Aviation may be continued or instituted by or against the Authority.
- (6) If any dispute or doubt arises as to which of the properties, rights or liabilities of the Central Government have been transferred to the Authority or as to which of the employees serving under the Director-General of Civil Aviation are to be treated as on deputation with the Authority under this section, such dispute or doubt shall be decided by the Central Government in consultation with the Authority and the decision of the Central Government thereon shall be final.
- (7) Every employee holding any office under the Director-General of Civil Aviation immediately before the commencement of this Act shall be treated as on deputation with the Authority but shall hold his office in the Authority by the same tenure and upon the same terms and conditions of service as respects remuneration, leave, provident fund, retirement or other terminal benefits as he would have held such office if the Authority had not been constituted and shall continue to do so for a period of three years or until the Authority duly absorbs such employee in its regular service, whichever is earlier:

Provided that such period of three years may be extended in special cases:

Provided further that during the period of deputation of any such employee with the Authority, the Authority shall pay the Central Government in respect of every such employee, such contribution towards his or her leave, salary, pension and gratuity as the Central Government may, by order, determine:

Provided also that any such employee, who has, in respect of the proposal of the Authority to absorb him in regular service, intimated within such time as may be specified in this behalf by the Authority his intention of not becoming a regular employee of the Authority, shall not be absorbed by the Authority.

14 of 1947.

- (8) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, the absorption of any employee by the Authority in its regular service under this section shall not entitle such employee to any compensation under that Act or any other law for the time being in force and no such claim shall be entertained by any court, tribunal or other authority.
- **19.** Subject to the provisions of section 20, the Authority shall be competent to enter into and perform any contract necessary for the discharge of its functions under this Act.

Contracts by Authority.

20. (1) Every contract shall, on behalf of the Authority, be made by the Director-General or such other Member or such officer of the Authority as may be generally or specially empowered in this behalf by the Authority and such contracts or class of contracts as may be specified by the regulations shall be sealed with the common seal of the Authority:

Mode of executing contracts on behalf of Authority.

Provided that no contract exceeding such value or amount as the Central Government may, from time to time, by order, fix in this behalf, shall be made unless it has been previously approved by the Authority:

Provided further that no contract for the acquisition or sale of immovable property or for the lease of any such property for a term exceeding thirty years and no other contract exceeding such value or amount as the Central Government may, from time to time, by order, fix in this behalf shall be made unless it has been previously approved by the Central Government.

- (2) Subject to the provisions of sub-section (*I*), the form and manner in which any contract shall be made under this Act shall be such as may be specified by regulations.
- (3) No contract, which is not in accordance with the provisions of this Act and the regulations, shall be binding on the Authority.

CHAPTER V

FINANCE, ACCOUNTS AND AUDIT

22 of 1934.

21. (*I*) The Authority may, collect fees and charges chargeable under the Aircraft Act, 1934, the rules and regulations made, requirements issued and the services provided thereunder, which at present are being collected by the Directorate-General of Civil Aviation.

Power of Authority to levy fees and charges.

- (2) The Authority, for functions not covered under sub-section (1), may make regulations, with the previous approval of the Central Government to levy fees or charges—
 - (a) for safety oversight function of air navigation services including the certification of its equipment on the basis of a percentage of revenue collected by air navigation provider;
 - (b) for safety of, from, the passengers;
 - (c) for safety oversight function and surveillance inspections of air transport operators including cargo operators, airport and aerodrome operators, the operators providing ground safety services and meteorological services;
 - (d) for the use and employment by persons of facilities and other services provided by the Authority;
 - (e) for the sale of aeronautical publications; and
 - (f) for any other service provided by the Authority.

Explanation.—The levy of fees or charges under this section shall not apply to operations of aircraft belonging to any armed force of the Union and to any aircraft belonging to the said force.

Additional capital and grant to Authority by Central Government.

- **22.** The Central Government may, after due appropriation made by Parliament by law in this behalf,—
 - (a) provide any capital that may be required by the Authority for the discharge of its functions under this Act or for any purpose connected therewith on such terms and conditions as that Government may determine;
 - (b) pay to the Authority, on such terms and conditions as the Central Government may determine, by way of loans or grants such sums of money as that Government may consider necessary for the efficient discharge by the Authority of its functions under this Act.

Fund of Authority and its investment.

- **23.** (1) There shall be constituted a Fund to be called the "Civil Aviation Authority of India Fund" and there shall be credited thereto—
 - (a) all grants made to the Authority by the Central Government under section 23;
 - (b) all fees and charges received by the Authority under this Act; and
 - (c) all sums received by the Authority from such other sources as may be approved by the Central Government.
 - (2) The Fund may be applied for meeting—
 - (a) the salaries, allowances and other remuneration of the Chairperson, Director-General, other Members, officers and other employees of the Authority;
 - (b) the other expenses of the Authority in connection with the discharge of its functions and for purposes of this Act.
- (3) All moneys standing at the credit of the Authority which cannot immediately be applied as provided in sub-section (2), shall be—
 - (a) deposited in the State Bank of India or any such Scheduled bank or banks other than public financial institutions subject to such conditions as may from time to time be specified by the Central Government; and
 - (b) invested in the securities of the Central Government or in such manner as may be prescribed.

Explanation.— In this sub-section "Scheduled bank" has the same meaning as in clause (e) of section 2 of the Reserve Bank of India Act, 1934.

2 of 1934.

Allocation of surplus funds.

24. (1) The Authority may from time to time set apart such amounts as it thinks fit as a reserve fund or funds for the purpose of enhancing safety-related services, functions or facilities or for the purpose of providing against any temporary decrease of revenue or increase of expenditure from transient causes or for purpose of replacement or for meeting expenditure arising from loss or damage from fire, cyclone, air-crash or other accident or for meeting any liability arising out of any act or omission in the discharge of its functions under this Act:

Provided that without prejudice to the right of the Authority to establish specific reserve for one or more specific purposes, the Authority shall also have the power to establish a general reserve:

Provided further that the sums set apart annually in respect of each or any of the specific and general reserves and the aggregate at any time of such sums shall not exceed such limits, as may, from time to time, be fixed in that behalf by the Central Government.

1 of 1956.

- (2) After making provision for such reserve fund or funds and for bad and doubtful debts, depreciation in assets and all other matters which are usually provided for by companies registered and incorporated under the Companies Act, 1956, the Authority shall pay the balance of its annual net profits to the Central Government.
- 25. The Authority shall prepare, in such form and at such time in each financial year as may be prescribed its budget for the next financial year, showing the estimated receipts and expenditure of the Authority and forward the same to the Central Government for information.

Budget.

26. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts in such form as may be prescribed by the Central Government in consultation with the Comptroller and Auditor-General of India.

Accounts and audit.

- (2) The accounts of the Authority shall be audited by the Comptroller and Auditor-General of India at such intervals as may be specified by him.
- (3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of the accounts of the Authority under this Act shall have the same rights, privileges and authority in connection with such audit, as the Comptroller and Auditor-General of India generally has, in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Authority.
- (4) The accounts of the Authority, as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf, together with the audit report thereon, shall be forwarded annually to the Central Government and the Central Government shall cause the same to be laid before each House of Parliament.
- **27.** (1) The Authority shall furnish to the Central Government, at such time and in such form and manner as may be prescribed or as the Central Government may direct, such returns and statements and such particulars in regard to any matter under the jurisdiction of the Authority, as the Central Government may, from time to time, require.

Furnishing of returns, etc., to Central Government.

- (2) The Authority shall prepare, once every year, in such form and at such time as may be prescribed, an annual report, giving a summary of its activities during the previous year and copies of the report shall be forwarded to the Central Government.
- (3) A copy of the report received under sub-section (2) shall be laid by the Central Government, as soon as may be after it is received, before each House of Parliament.

CHAPTER VI

OFFENCES AND PENALTIES

28. Whoever fails to comply with any order or direction given under this Act, or contravenes, or attempts to contravene or abets the contravention of the provisions of this Act or of any rules or regulations made thereunder shall be punishable with fine which may extend to one lakh rupees and in the case of a second or subsequent offence with fine which may extend to two lakh rupees and in the case of a continuing contravention with an additional fine which may extend to four thousand rupees for every day during which the default continues.

Punishment for noncompliance of orders or directions under this Act.

29. If any person wilfully fails to comply with an order or direction of the Authority, passed under Chapter III he shall be punishable with fine which may extend to one lakh rupees and, in the case of a second or subsequent offence, with fine which may extend to two lakh rupees and in the case of a continuing failure, with an additional fine which may extend to four thousand rupees for every day during which such failure continues.

Punishment for noncompliance with order of Authority. Offences by companies.

30. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to the company for the conduct of, the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director" means a whole-time director of the company and in relation to a firm, means a partner in the firm.

Offences by Government Department.

- 31. (1) Where an offence under this Act has been committed by any Department of Government or any of its undertakings, the Head of the Department or its undertakings shall be deemed to be guilty of an offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.
- (2) Notwithstanding anything contained in sub-section (I), where an offence under this Act has been committed by any Department of Government or its undertakings and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part, of any officer, other than the Head of the Department, or its undertakings such officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Compounding of offences.

- **32.** (1) The Authority shall, for the purpose of compounding the offences constitute a Committee consisting of such Members of Authority, as the Chairperson may deem fit, to be headed by the senior-most Member in the Committee and the decision of the Committee shall be by majority and in case of equality of votes of Members in Committee, the view taken by the Chairperson shall be final.
- (2) The Committee referred to in sub-section (I) shall, before the court has taken the cognizance of the offence, having regard to the circumstances in which an offence was committed under this Act or under the Aircraft Act, 1934, compound the offence, for a sum not exceeding fifty per cent. of the maximum fine provided for the offence under this Act or as the case may be under the Aircraft Act, 1934, or the rules made thereunder.

22 of 1934.

- (3) No court shall take cognizance of an offence where the offence has been compounded under sub-section (2) and the offender has deposited the compounding amount with the Central Government.
- (4) Where the court has taken cognizance of the offence, the Committee referred to in sub-section (1), may compound an offence under this Act or the Aircraft Act, 1934 at any time before judgment is delivered, after having obtained the consent of the court and the court shall, after the offender deposits the compounding amount with the Central Government, discharge the offender.

22 of 1934.

made thereunder.

CHAPTER VII

MISCELLANEOUS

33. (1) In discharge of its functions, the Authority shall be guided by such directions in the matter of policy involving public interest as the Central Government may give to it in writing.

Directions by Central Government to Authority.

- (2) If any question arises as to whether any such direction relates to a matter of policy involving public interest, the decision of the Central Government thereon shall be final.
 - **34.** No civil court shall have jurisdiction in respect of any matter, which the Authority

 Bar of jurisdiction.
- is empowered by or under this Act to determine.

 35. No suit, prosecution or other legal proceedings shall lie against the Central Government or the Authority or any Member, officer or other employee thereof for anything which is in good faith done or intended to be done under this Act or the rules and regulations

Protection of action taken in good faith.

36. If any person is aggrieved by an order or direction passed or issued by the Authority, or any of its Members, or officers in its name, in the exercise of the power conferred by this Act or delegated to him under the Aircraft Act, 1934, he may prefer an appeal to the Central Government within such period, in such manner and on payment of such fee as may be prescribed.

Appeals.

22 of 1934.

27 of 1957.

43 of 1961.

37. Notwithstanding anything contained in the Wealth-tax Act, 1957, the Income-tax Act, 1961, or any other enactment for the time being in force relating to tax on wealth, income, services, or gains, the Authority shall not be liable to pay wealth-tax, income-tax, service tax or any other tax in respect of its wealth, income, services, or gains derived.

Exemption from certain taxes.

38. No court shall take cognizance of an offence punishable under this Act, except upon a complaint in writing, made by the Authority or by any officer of the Authority duly authorised by the Authority for this purpose.

Cognizance of offences.

39. The Authority may, by general or special order in writing, delegate to the Chairperson or any Member or officer of the Authority, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under this Act (except the power to compound offences and the power to make regulations), as it may deem necessary.

Delegation of powers.

Power of

40. (1) If, at any time, the Central Government is of the opinion—

Central
Government
to supersede
Authority.

(a) that on account of a grave emergency, the Authority is unable to discharge the functions and duties imposed on it by or under the provisions of this Act; or

(b) that the Authority has persistently made default in complying with any direction issued by the Central Government under this Act or in the discharge of the functions and duties imposed on it by or under the provisions of this Act and as a

result of which default, the financial position of the Authority or the safety of civil aviation has deteriorated; or

(c) that other circumstances exist which render it necessary in the public interest

(c) that other circumstances exist which render it necessary in the public interest so to do,

the Central Government may, by notification, supersede the Authority for such period, not exceeding six months, as may be specified in the notification:

Provided that before issuing a notification under this sub-section for the reasons mentioned in clause (*b*), the Central Government shall give a reasonable opportunity to the Authority to show cause as to why it should not be superseded and shall consider the explanations and objections, if any, of the Authority.

- (2) Upon the publication of a notification under sub-section (I) superseding the Authority,—
 - (a) all the Members shall, as from the date of supersession, vacate their offices as such:
 - (b) all the powers, functions and duties which may, by or under the provisions of this Act, be exercised or discharged by or on behalf of the Authority, shall until the Authority is re-constituted under sub-section (3), be exercised and discharged by such person or persons as the Central Government may direct;
 - (c) all property owned or controlled by the Authority shall, until the Authority is re-constituted under sub-section (3), vest in the Central Government.
- (3) On the expiration of the period of supersession specified in the notification issued under sub-section (I), the Central Government may re-constitute the Authority by fresh appointment and in such case the Members who vacated their offices under clause (a) of sub-section (2) shall not be deemed to be disqualified for appointment:

Provided that the Central Government may, at any time before the expiration of the period of supersession as specified under sub-section (I) take action under this sub-section.

- (4) The Central Government shall cause a notification issued under sub-section (1) and a full report of any action taken under this section and the circumstances leading to such action to be laid before both Houses of Parliament at the earliest opportunity.
- **41.** The provisions of this Act shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.
- **42.** (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
 - (a) the qualification, professional experience and competence of the Director-General and the whole-time Members under sub-section (4) of section 4;
 - (b) the salary, allowances and the other conditions of service of the Chairperson, Director-General and other Members under sub-section (2) of section 7;
 - (c) the period of giving notice for resignation from office by the Chairperson, Director-General or any Member under sub-section (4) of section 7;
 - (d) the procedure for inquiry for removal of the Chairperson or other Member under sub-section (2) of section 8;
 - (e) other powers and functions of the Chairperson under section 10;
 - (f) rules subject to which the Authority shall perform its functions under sub-section (2) of section 14;
 - (g) rules subject to which the Authority shall perform its duties under sub-section (3) of section 14;
 - (h) the terms and conditions subject to which all non-recurring expenditure incurred by the Central Government for or in connection with the purposes of the Directorate-General of Civil Aviation to be treated as capital provided by the Central Government to the Authority under sub-section (3) of section 18;
 - (i) manner of investing the moneys under clause (b) of sub-section (3) of section 23;

Application of other laws not barred. Power to make rules.

- (*j*) the form in which and the time at which in each financial year, the Authority shall prepare its budget under section 25;
- (k) the form in which accounts and other relevant records shall be maintained and the annual statement of accounts shall be prepared by the Authority under sub-section (1) of section 26;
- (*l*) the time at which and the form and manner in which the returns and statements shall be furnished by the Authority under sub-section (*l*) of section 27;
- (*m*) the form in which and the time at which the annual report, shall be prepared by the Authority under sub-section (2) of section 27;
- (n) the period within which, the manner in which and the fee on payment of which appeal may be preferred under section 36;
- (o) any other matter which is to be, or may be, prescribed, or in respect of which provision is to be made by rules.

22 of 1934.

- (3) The rules made under the Aircraft Act, 1934, in so far as they are not inconsistent with the provisions of this Act or the rules made thereunder, shall continue to be in force till the Central Government makes rules or, as the case may be, the Authority makes regulations under this Act on the same subject.
- **43.** (1) The Authority may, by notification, may make regulations, not inconsistent with this Act and the rules made thereunder, to carry out the provisions of this Act.

Power to make regulations.

- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—
 - (a) the times and places of meetings of the Authority and the procedure to be followed at such meetings under sub-section (I) of section 11 for the transaction of business by the Authority including the quorum necessary for the meeting;
 - (b) the books of account or other documents which are required to be maintained by every air transport operator or service operator under sub-section (3) of section 15:
 - (c) the contracts or class of contracts which shall be sealed with the common seal of the Authority under sub-section (1) of section 20;
 - (d) the form and manner in which any contract shall be made under sub-section (2) of section 20;
 - (e) levy of fees and charges under sub-section (2) of section 21; and
 - (f) any other matter which under the provisions of this Act is required to be, or may be, specified by regulations.
- **44.** Every rule made by the Central Government, and every regulation made by the Authority under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days, which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

Rules and regulations to be laid before Parliament.

45. In the Aircraft Act, 1934, in section 2, after sub-section (2A), the following sub-section shall be inserted, namely:—

Amendment of Act 22 of 1934.

'(2B) "Director-General of Civil Aviation" means Director-General appointed under section 4 of the Civil Aviation Authority of India Act, 2013;'.

Power to remove difficulty.

46. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

STATEMENT OF OBJECTS AND REASONS

Directorate General of Civil Aviation, an attached office of the Ministry of Civil Aviation (hereinafter referred to as Directorate) is the safety regulator in the field of civil aviation in India and is responsible for formulation, implementation, enforcement and monitoring of stipulated standards and regulations of air transport services to, from and within India, air safety, airworthiness and coordination of regulatory functions with the International Civil Aviation Organisation. Directorate with Delhi as its Headquarter is assisted by its regional offices in carrying out its responsibility and functions.

- 2. The functioning of Directorate was audited by International Civil Aviation Organisation in October, 2006 under Universal Safety Oversight Audit Program and the Federal Aviation Administration of United States of America under International Aviation Safety Assessment Program in March, 2009. International Civil Aviation Organisation and Federal Aviation Administration audits pointed out severe deficiencies in the Directorate set up, such as inadequacy of staff, 40% of posts lying vacant, role of other Ministries in creation and hiring of personnel, etc., and as a result there was even a risk of Directorate / India being downgraded to Category II level from Category I level with consequences on limitation of operations of Indian Carriers to USA. Both International Civil Aviation Organisation Audit Report and Federal Aviation Administration – International Aviation Safety Assessment Program Report pointed out the need for an effective organisational structure of Directorate with administrative and financial flexibility to carry out safety oversight work. The International Civil Aviation Organisation visited Directorate on a Validation Mission in December, 2012 to review the implementation of the recommendations made during the audit conducted in 2006. The Kaw Committee on Review and Restructuring of Directorate also commented upon the unsatisfactory situation of Directorate and recommended for appropriate level of administrative and financial autonomy.
- 3. Keeping in view the above, a need was felt to set up a Civil Aviation Authority having administrative and financial flexibility to regulate the Civil Aviation sector under overall oversight of the Ministry of Civil Aviation. The proposed legislation seeks to establish a Civil Aviation Authority with administrative and financial flexibility and legal status of a separate entity for effective civil aviation safety oversight capabilities over air transport service operators, air service navigation operators and operators of other civil aviation facilities, development and standardisation of civil aircraft and aeronautics, provision of certain economic regulations, consumer protection and environment regulation in civil aviation sector and for matters connected therewith or incidental thereto.
- 4. The Civil Aviation Authority Bill, 2013 provides for establishment of the Civil Aviation Authority comprising of a Chairperson, Director-General, who will also act as Chief Executive Officer of the Civil Aviation Authority and not less than seven and not more than nine Members representing various technical areas such as airworthiness, air safety, etc., out of which, not more than five members shall be on a whole-time basis. The Authority shall work on not-for-profit principles. Major functions of the Civil Aviation Authority both, financial and administrative includes—
 - (a) to regulate civil aviation safety, and provide for the better management of civil aviation through safety oversight of air transport operators, air port operators, air navigation service operators and providers of other civil aviation services or facilities:
 - (b) to protect the interests of consumers under the proposed legislation or rules or regulations made thereunder;
 - (c) to draw up a State Safety Programme and approve safety management systems and look after their implementation in coordination with other concerned authorities:

- (d) to coordinate on matters relating to the International Civil Aviation Organisation with all agencies and send replies to the letters of signatory States to the Convention and take all necessary action arising out of the Safety Oversight Audit Programme of the International Civil Aviation Organisation in consultation with the Ministry of Civil Aviation;
 - (e) to levy fees and charges chargeable under the Aircraft Act, 1934;
- (f) the Authority shall be responsible for the proper implementation of the Aircraft Act, 1934 and for that purpose it shall discharge all the duties assigned to the Director-General of Civil Aviation under that Act.
- 5. The Bill seeks to achieve the above objects.

New Delhi; AJIT SINGH. The 6th August, 2013.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. A.60015/119/2010-DG, dated 6th August, 2013 from Shri Ajit Singh, Minister of Civil Aviation to the Secretary-General, Lok Sabha]

The President having been informed of the subject matter of the proposed Civil Aviation Authority of India Bill recommends the introduction of the Bill in the House under article 117 (1) and consideration of the Bill under article 117(3) of the Constitution.

Notes on clauses

- *Clause* 1.— This clause seeks to provide for the short title, extent and commencement of the proposed legislation.
- *Clause* 2.—This clause defines certain words and expressions used in the proposed legislation.
- Clause 3.—This clause seeks to provide for the constitution of the Civil Aviation Authority of India.
- Clause 4.— This clause provides for the composition of the Authority. It further provides that the Authority shall consist of a Chairperson, a Director-General and not less than seven Members and not more than nine Members. It also provides that the Director-General and five Members as whole-time Members.
- Clause 5.— This clause seeks to provide for the constitution of a Selection Committee which shall finalise the selection of the Chairperson, Director-General and whole-time Members.
 - *Clause* 6.— This clause provides for the disqualification for the office of Member.
- *Clause* 7.— This clause provides for the term of office and conditions of service of the Chairperson, Director-General and Members.
 - Clause 8.— This clause provides for the removal and suspension of Members.
- *Clause* 9.— This clause contains provisions regarding the eligibility of a Member for re-appointment.
 - Clause 10.—This clause provides the powers and functions of the Chairperson.
- Clause 11.—This clause lays down the provisions regarding the meetings of the Authority.
- Clause 12.—This clause provides that vacancies, etc., shall not invalidate the proceedings of the Authority.
- *Clause* 13.—This clause seeks to provide for the Authority to work on not-for-profit principles.
 - Clause 14.—This clause provides for the functions, duties and powers of the Authority.
- *Clause* 15.—This clause seeks to provide for the powers of the Authority to call for information, conduct investigations, etc.
- Clause 16.—This clause contains provisions regarding the powers of the Authority to issue directions.
- Clause 17.—This clause provides that the Authority or any other officer specially authorised by it in this behalf may enter any building or place where the Authority has reason to believe that any document relating to the subject matter of the inquiry may be found, and may seize any such document or take extracts or copies therefrom.
- *Clause* 18.—This clause provides provisions regarding the transfer of assets and liabilities of the Central Government to Authority.
- Clause 19.—This clause seeks to provide that the Authority shall be competent to enter into and perform contracts necessary for the discharge of its functions.
- Clause 20.—This clause provides the mode of executing contracts on behalf of the Authority.

- Clause 21.—This clause provides for the powers of the Authority to levy fees and charges under the Aircraft Act, 1934.
- *Clause* 22.—This clause seeks to provide provisions for additional capital and grant to the Authority by the Central Government.
- Clause 23.—This clause provides for the constitution of the Civil Aviation Authority of India Fund and its investment.
- Clause 24.—This clause seeks to provide for the allocation of surplus fund for setting a reserve fund or funds for the purpose of enhancing the safety related services or for meeting any liability arising out of any act or omission in the discharge of its functions by the Authority.
 - Clause 25.—This clause provides for the preparation of the Budget of the Authority.
- Clause 26.—This clause seeks to provide that the Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts. This clause also seeks to provide that the accounts of the authority shall be audited by the Comptroller and Auditor-General of India.
- Clause 27.—This clause provides that the Authority shall furnish to the Central Government, such returns and statements and such particulars in regard to any matter under the jurisdiction of the Authority, as the Central Government may, from time to time, require. This clause also provides that the Authority shall prepare an annual report, and copies of the report shall be forwarded to the Central Government. This clause further provides that a copy of the report shall be laid by the Central Government before each House of Parliament.
- Clause 28.—This clause provides for the punishment for non-compliance of orders or directions under the proposed legislation and for contravention of the provisions of the proposed legislation or any rules or regulations made thereunder.
- Clause 29.—This clause seeks to provide for the punishment for non-compliance with an order or direction of the Authority, passed under Chapter III of the proposed legislation.
 - *Clause* 30.—This clause makes provisions regarding the offences by companies.
- Clause 31.—This clause contains provisions with regard to the offences by the Government Department.
 - Clause 32.—This clause provides for the compounding of offences.
- Clause 33.—This clause provides that, in discharge of its functions, the Authority shall be guided by such directions in the matter of policy involving public interest as the Central Government may give to it in writing.
- Clause 34.—This clause provides that no civil court shall have jurisdiction in respect of any matter, which the Authority is empowered by or under the proposed legislation to determine.
- Clause 35.—This clause seeks to provide that no suit, prosecution or other legal proceedings shall lie against the Central Government or the Authority or any Member, officer or other employee thereof for anything which is in good faith done or intended to be done under the proposed legislation or the rules and regulations made thereunder.
- Clause 36.—This clause makes provision for preferring appeal before the Central Government against an order or direction passed or issued by the Authority, or any of its Members, or officers in its name.
- Clause 37.—This clause provides that notwithstanding anything contained in the Wealth-tax Act, 1957, the Income-tax Act, 1961, or any other enactment for the time being in

force relating to tax on wealth, income, services, or gains, the Authority shall not be liable to pay wealth-tax, income-tax, service tax or any other tax in respect of their wealth, income, services, or gains derived.

Clause 38.—This clause seeks to provide that, no court shall take cognizance of an offence punishable under the proposed legislation, except upon a complaint in writing made by the Authority or by any officer of the Authority duly authorised by the Authority for this purpose.

Clause 39.—This clause provides that, the Authority may, by general or special order in writing, delegate to the Chairperson or any Member or officer of the Authority, subject to such conditions and limitations, if any, as may be specified in the order, such of its powers and functions under the proposed legislation (except the power to compound offences and the power to make regulations), as it may deem necessary.

Clause 40.—This clause provides for the power of the Central Government to supersede the Authority.

Clause 41.—This clause provides that the provisions of the proposed legislation shall be in addition to, and not in derogation of, the provisions of any other law for the time being in force.

Clause 42.—This clause empowers the Central Government to make rules for carrying out the provisions of the proposed legislation.

Clause 43.—This clause seeks to empower the Authority to make regulations.

Clause 44.—This clause seeks to provide for laying of every rule made by the Central Government and every regulation made by the Authority under the proposed legislation, as soon as may be after it is made, before each House of Parliament.

Clause 45.—This clause provides for the amendment of the Aircraft Act, 1934 to define the terms "Director-General of Civil Aviation".

Clause 46.—This clause seeks to provide for the power to remove difficulty arising in giving effect to the provisions of the proposed legislation.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the constitution of an Authority to be called as the Civil Aviation Authority of India.

- 2. Sub-clause (3) of clause 7 of the Bill provides that the salary and allowances of the Chairperson, Director-General and other Members shall be such as may be prescribed by rules.
- 3. Clause 22 of the Bill provides that the Central Government may after due appropriation made by Parliament by law in this behalf, provide any capital that may be required by the Authority for discharge of its functions under the proposed legislation or for any purpose connected therewith, and pay to the Authority, on such terms and conditions as the Central Government may determine, by way of loans or grants such sums of money as that Government may consider necessary for the efficient discharge by the Authority of its functions under the proposed legislation.
- 4. Clause 23 of the Bill provides for the constitution of a Fund to be called the Civil Aviation Authority of India Fund into which all Central Government grants, fees and charges received by the Authority and all sums received by the Authority from other sources approved by the Central Government shall be credited. The Fund is to be used for meeting the salaries, allowances and other remuneration of the Chairperson, Director-General, other Members, officers and other employees of the Authority and other expenses of the Authority in connection with the discharge of its functions and for the purposes of the proposed legislation.
- 5. Sub-clause (1) of clause 24 of the Bill provides that the Authority may set apart such amounts as it thinks fit as a reserve fund or funds for enhancing safety related services, functions or facilities and meeting any liability arising out of any act or omission in discharge of its functions under the proposed legislation. Sub-clause (2) of clause 24 provides that the Authority, after making provision for reserved fund or funds shall pay the balance of its annual net profits to the Central Government.
- 6. The details of the estimated recurring and non-recurring expenditure to be incurred for the purposes mentioned in above paragraphs shall be as under:—

Statement showing estimated expenditure (Rupees in crore)

	Recurring		Total Recurring Expenditure	Non-Recurring		Total Non- Recurring Expenditure
	Plan	Non Plan		Plan	Non Plan	
First Year	12.00	112.00	124.00	50.00	0.00	50.00
Second Year	12.00	112.00	124.00	100.00	0.00	100.00
Subsequent three years	-	-	-	385.00	0.00	385.00
Total	24.00	224.00	248.00	535.00	0.00	535.00

7. The Bill, if enacted and brought into operation, would not involve any other expenditure of recurring or non-recurring nature.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 42 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. Sub-clause (2) of this clause enumerates the matters in respect of which the rules may be made under this clause. These matters, *inter alia*, relate to,—

- (a) the qualification, professional experience and competence of the Director-General and the whole-time Members under sub-clause (4) of clause 4;
- (b) the salary, allowances and the other conditions of service of the Chairperson, Director-General and other Members under sub-clause (2) of clause 7;
- (c) the period of giving notice for resignation from office by the Chairperson, Director-General or any Member under sub-clause (4) of clause 7;
- (d) the procedure for inquiry for removal of the Chairperson or other Members under sub-clause (2) of clause 8;
 - (e) other powers and functions of the Chairperson under clause 10;
- (f) rules subject to which the Authority shall perform its functions under sub-clause (2) of clause 14;
- (g) rules subject to which the Authority shall perform its duties under sub-clause (3) of clause 14;
- (h) the terms and conditions subject to which all non-recurring expenditure incurred by the Central Government for or in connection with the purposes of the Director- General of Civil Aviation to be treated as capital provided by the Central Government to the Authority under sub-clause (3) of clause 18;
 - (i) manner of investing the moneys under item (b) of sub-clause (3) of clause 23;
- (j) the form in which and the time at which in each financial year, the Authority shall prepare its budget under clause 25;
- (k) the form in which accounts and other relevant record shall be maintained and the annual statement of accounts shall be prepared by the Authority under sub-clause (1) of clause 26;
- (1) the time at which and the form and manner in which the returns and statements shall be furnished by the Authority under sub-clause (1) of clause 27;
- (m) the form in which and the time at which the annual report shall be prepared by the Authority under sub-clause (2) of clause 27;
- (n) the period within which, the manner in which and the fee on payment of which appeal may be preferred under clause 36;
- (o) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by rules.
- 2. Clause 43 of the Bill empowers the Authority to make regulations, not inconsistent with the proposed legislation and the rules made thereunder, to carry out the provisions of the proposed legislation. Sub-clause (2) of this clause enumerates the matters in respect of which the regulations may be made under this clause. These matters, *inter alia*, relate to—
 - (a) the times and places of meetings of the Authority and the procedure to be followed at such meetings under sub-clause (1) of clause 11 for the transaction of business by the Authority including the quorum necessary for the meeting;
 - (b) the books of account and other documents which are required to be maintained by every air transport operator or service operator under sub-clause (3) of clause 15;

- (c) the contracts or class of contracts which shall be sealed with the common seal of the Authority under sub-clause (1) of clause 20;
- (d) the form and manner in which any contract shall be made under sub-clause (2) of clause 20;
 - (e) levy of fee, and charges under sub-clause (2) of clause 21; and
- (f) any other matter which under the provisions of the proposed legislation is required to be, or may be specified by regulations.
- 3. Clause 44 of the Bill requires that the rules made by the Central Government and the regulations made by the Authority shall be laid as soon as may be, after they are made, before each House of Parliament.
- 4. Clause 46 of the Bill empowers the Central Government to remove any difficulty which arises in giving effect to the provisions of the proposed legislation, by order published in the Official Gazette, not inconsistent with the provisions of the proposed legislation. This clause requires that every such order shall be laid, as soon as may be after it is made, before each House of Parliament.
- 5. The matters in respect of which rules and regulations may be made and orders may be issued are generally matters of procedure and administrative details and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.

BILL No. 131 of 2013

A Bill to establish and incorporate a University in the State of Uttar Pradesh to provide for avenues of higher education and research facilities to the women in India and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

1. (1) This Act may be called the Indira Gandhi National University for Women Act, 2013.

Short title and commencement.

- (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.
- **2.** In this Act, and in all Statutes made hereunder, unless the context otherwise requires,—

Definitions.

- (a) "Academic Council" means the Academic Council of the University;
- (b) "academic staff" means such categories of staff as are designated as academic staff by the Ordinances;
 - (c) "Board of Studies" means the Board of Studies of the University;
- (*d*) "Campus" means the unit established or constituted for making arrangements for instruction, or research, or both,

- (e) "Chancellor", "Vice-Chancellor", and "Pro-Vice-Chancellor" mean, respectively, the Chancellor, Vice-Chancellor and Pro-Vice-Chancellor of the University;
 - (f) "College" means a college maintained by the University;
 - (g) "Court" means the Court of the University;
 - (h) "Dean" means Head of a Faculty of the University;
- (i) "Department" means a Department of Studies and includes a Centre of Studies;
- (*j*) "distance education system" means the system of imparting education through any means of communication, such as broadcasting, telecasting, webcasting, correspondence courses, seminars, contact programmes or the combination of any two or more such means;
- (k) "employee" means any person appointed by the University and includes teachers and other staff of the University;
 - (l) "Executive Council" means the Executive Council of the University;
 - (m) "Faculty" means a Faculty of the University;
 - (n) "Finance Committee" means Finance Committee of the University;
- (*o*) "Hall" means a unit of residence or of corporate life for the students of the University;
- (p) "Institution" means an academic institution, not being a college, maintained by, or admitted to the privileges of, the University;
- (q) "Principal" means the Head of a College or an Institution maintained by the University and includes, where there is no Principal, the persons for the time being duly appointed to act as Principal, and in the absence of the Principal, or the acting Principal, a Vice-Principal duly appointed as such;
- (r) "Regulations" means the Regulations made by any authority of the University under this Act for the time being in force;
- (s) "Statutes" and "Ordinances" mean, respectively, the Statutes and the Ordinances of the University, for the time being in force;
- (t) "teachers of the University" means Professors, Associate Professors, Assistant Professors and such other persons as may be appointed for imparting instruction or conducting research in the University;
- (u) "University" means the Indira Gandhi National University for Women as incorporated under this Act.

Establishment of University.

- 3. (1) There shall be established, in the State of Uttar Pradesh a University by the name of "Indira Gandhi National University for Women".
 - (2) The headquarters of the University shall be in the district of Raebareli.
- (3) The first Chancellor, the first Vice-Chancellor and the first members of the Court, the Executive Council and the Academic Council, and all persons who may hereafter become such officers or members, so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "Indira Gandhi National University for Women".
- (4) The University shall have perpetual succession and a common seal, and shall sue and be sued by the said name.

Objects of University.

- **4.** The objects of the University shall be,—
- (i) to provide avenues of higher education and research facilities to the women of India and thus to provide the society with educated, competent and capable women to meet the knowledge needs of the country;

- (*ii*) to create and disseminate knowledge by providing instructional and research facilities in such branches of learning as it may deem fit;
- (*iii*) to make provisions for various courses offering educational programmes in humanities, natural and physical sciences, social sciences, medical sciences, engineering and technology and such other advanced disciplines of education including vocational education;
- (*iv*) to take appropriate measures for promoting innovations in teaching-learning process, inter-disciplinary studies and research;
- (v) to develop women imbued with the spirit of innovation and entrepreneurship with social and environmental orientation for the development of the country;
- (vi) to strive for the improvement of the social, educational and economic conditions and welfare of women of the country through their intellectual, academic, cultural and overall personality development.
- **5.** (1) The University shall have the following powers, namely:—

Powers of University.

- (i) to provide for instructions in such branches of learning like natural and physical sciences, social sciences, humanities, engineering, technology and medicine as the University may, from time to time, determine and to make provisions for research and for the advancement and dissemination of knowledge for furtherance of the objects of the University;
- (ii) to grant, subject to such conditions as the University may determine, diplomas or certificates to, and confer degrees or other academic distinctions on the basis of examinations, evaluation or any other method of testing, on persons, and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause in the manner prescribed by the Statutes;
- (iii) to formulate women centric development models, publish reports and monographs;
- (*iv*) to organise conferences, seminars on issues relating to women and to provide inputs to policy matters in different spheres;
- (v) to organise and to undertake extra-mural studies, training and extension services;
- (vi) to confer honorary degrees or other distinctions in the manner prescribed by the Statutes;
- (vii) to provide facilities through the distance education system to women as it may determine;
- (viii) to institute Principalships, Professorships, Associate Professorships, Assistant Professorships and other teaching or academic positions, required by the University and to appoint persons to such Principalships, Professorships, Associate Professorships, Assistant Professorships or other teaching or academic positions;
- (*ix*) to recognise an institution of higher learning for such purposes as the University may determine and to withdraw such recognition in the manner prescribed by the Statutes;
- (x) to appoint persons working in any other University or educational institution, including those located outside the country, as teachers of the University for a specified period;
- (xi) to create administrative, ministerial and other posts and to make appointments thereto;
- (*xii*) to co-operate or collaborate or associate with any other University or authority or Institution of higher learning, including those located outside the country, in such manner and for such purposes as the University may determine;

- (*xiii*) to collaborate with any other college or university, research institution, industry association, professional or any other organisation, in India or outside India to conceptualise, design and develop specific programmes as part of education and research, training programmes and exchange programmes for students, academic staff and others;
 - (xiv) to institute and award fellowships, scholarships, studentships, medals and prizes;
 - (xv) to establish and maintain Colleges, Institutions and Halls;
- (xvi) to make provision for research and advisory services and for that purpose to enter into such arrangements with other institutions, industrial or other organisations, as the University may deem necessary;
- (xvii) to organise and conduct refresher courses, workshops, seminars and other programmes for teachers, evaluators and other academic staff;
- (xviii) to appoint on contract or otherwise visiting Professors, Emeritus Professors, Consultants, Scholars and such other persons who may contribute to the advancement of the objects of the University;
- (xix) to confer autonomous status on a College or an Institution or a Department, as the case may be, in accordance with the Statutes;
- (xx) to recognise, guide, supervise, and control Halls not maintained by the University and other accommodation for students, and to withdraw any such recognition;
- (xxi) to determine standards of admission to the University, which may include examination, evaluation or any other method of testing;
 - (xxii) to demand and receive payment of fees and other charges;
- (xxiii) to establish and maintain a health care centre for the benefit of the students and employees;
- (xxiv) to make arrangements for promoting the health and general welfare of the employees;
- (xxv) to supervise the residences of the students of the University and to make arrangements for promoting their health and general welfare;
- (xxvi) to lay down conditions of service of all categories of employees, including their code of conduct;
- (xxvii) to regulate and enforce discipline among the students and the employees, and to take such disciplinary measures in this regard as may be deemed by the University to be necessary;
- (xxviii) to receive benefactions, donations and gifts and to acquire, hold and manage, and to dispose of, with the previous approval of the Central Government, any property, movable or immovable, including trust and endowment properties for the purposes of the University;
- (xxix) to borrow, with the approval of the Central Government, on the security of the property of the University, money for the purposes of the University;
- (xxx) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.
- (2) In exercising its powers referred to in sub-section (I), it shall be the endeavour of the University to maintain an all-India character and high standards of teaching and research, and the University shall, among other measures which may be necessary for the said purpose and take, in particular, the following measures, namely:—
 - (i) admission of students and recruitment of Faculty shall be made on all-India basis;

- (*ii*) admissions of students shall be made on merit, either through Entrance Tests conducted by the University or in combination with other Universities, or on the basis of marks obtained in the qualifying examinations;
 - (iii) encourage inter-University mobility of Faculty;
- (*iv*) introduce semester system, continuous evaluation and choice based credit system and enter into agreements with other Universities and academic institutions for credit transfer and joint degree programmes;
- (v) introduce innovative courses and programmes of studies with provision for periodic review and restructuring;
- (vi) ensure active participation of students in all academic activities of the University, including evaluation of teachers.
- (vii) obtain mandatory accreditation from National Assessment and Accreditation Council or any other statutory accrediting agency; and
 - (viii) introduce e-governance with an effective management information system.
- 6. The jurisdiction of the University shall extend to the whole of India.

Jurisdiction.

7. The University shall be open to women of whatever caste, creed, race or class, and it shall not be lawful for the University to adopt or impose any test whatsoever of religious belief or profession in order to entitle her to be admitted as a student in the University or to graduate thereat:

University open to all classes, castes and creed.

Provided that nothing in this section shall be deemed to prevent the University from appointing any person as a teacher of the University or to hold any other office therein or to enjoy or exercise any privilege thereof:

Provided further that nothing in this section shall be deemed to prevent the University from making special provisions for the employment or promotion of educational interests of women physically challenged or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes and the Scheduled Tribes.

8. Every student of the University other than a student, who pursues a course of study by distance education system, shall reside in a Hall or hostel or under such conditions as may be prescribed by the Ordinances.

Residence of students.

9. The University shall, subject to Statutes, have power to establish at least one school as a model school for the schools of the region.

Power to establish and maintain schools.

- **10.** (1) The President of India shall be the Visitor of the University.
- (2) The Visitor may, from time to time, appoint one or more persons to review the work and progress of the University, including Colleges and Institutions maintained by it, and to submit a report thereon; and upon receipt of that report, the Visitor may, after obtaining the views of the Executive Council thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.
- (3) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct, of the University, its buildings, libraries, laboratories and equipment, and of any College or Institution maintained by the University; and also of the examinations, teaching and other work conducted or done by the University and to cause an inquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, Colleges or Institutions.
- (4) The Visitor shall, in every matter referred to in sub-section (3), give notice of his intention to cause an inspection or inquiry to be made, to the University, if such inspection or inquiry is to be made in respect of the University or any College or Institution maintained by it.

Visitor.

- (5) After considering the representations, if any, made by the University, the Visitor may cause to be made such inspection or inquiry as is referred to in sub-section (3).
- (6) Where any inspection or inquiry has been caused to be made by the Visitor, the University shall be entitled to appoint a representative, who shall have the right to be present and be heard at such inspection or inquiry.
- (7) Upon receipt of such report of the inspection or inquiry, the Visitor may address the appointing authority through the Vice-Chancellor to take appropriate action in accordance with his advice, if any, regarding the action to be taken.
- (8) The appointing authority shall take appropriate action within a period of two months and in case, it is not able to act as per the advice of the Visitor, it shall report to the Visitor, the reasons therefor along with supporting documents within a period of two months and if the Visitor is not satisfied with the reasons then the decision of the Visitor shall be final.
- (9) The Visitor in respect of the matters not covered under sub-section (7) shall address the Executive Council through the Vice-Chancellor along with this advice regarding the action to be taken and the Vice-Chancellor shall take action accordingly.
- (10) Without prejudice to the foregoing provisions of this section, the Visitor may, by order in writing, annul any proceeding of the University which is not in conformity with the Act, the Statutes or the Ordinances:

Provided that before making any such order, he shall call upon the Registrar to show cause why such an order should not be made, and, if any cause is shown within a reasonable time, he shall consider the same.

- (11) The Visitor shall have such other powers as may be prescribed by the Statutes.
- 11. The following shall be the officers of the University:—
 - (1) the Chancellor;
 - (2) the Vice-Chancellor;
 - (3) the Pro-Vice-Chancellor;
 - (4) the Deans of Faculties;
 - (5) the Registrar;
 - (6) the Finance Officer;
 - (7) the Controller of Examinations;
 - (8) the Librarian; and
- (9) such other officers as may be declared by the Statutes to be officers of the University.

Chancellor.

Officers of University.

- 12. (I) The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.
- (2) The Chancellor shall, by virtue of his office, be the head of the University and shall, if present, preside at the Convocations of the University held for conferring degrees and meetings of the Court.

Vice-Chancellor.

- 13. (I) The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.
- (2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor may, if he is of the opinion that immediate action is necessary on any matter, exercise any power conferred on any authority of the University by or under this Act and shall report to such authority at its next meeting the action taken by him on such matter:

Provided that if the authority concerned is of the opinion that such action ought not to have been taken, it may refer the matter to the Visitor whose decision thereon shall be final:

Provided further that any person aggrieved by the action taken by the Vice-Chancellor under this sub-section shall have the right to represent against such action to the Executive Council within three months from the date on which decision on such action is communicated to him and thereupon the Executive Council may confirm, modify or reverse the action taken by the Vice-Chancellor.

- (4) The Vice-Chancellor, if he is of the opinion that any decision of any authority of the University is beyond the powers of the authority conferred by the provisions of this Act, the Statutes or the Ordinances or that any decision taken is not in the interest of the University, may ask the authority concerned to review its decision within sixty days of such decision and if the authority refuses to review the decision either in whole or in part or no decision is taken by it within the said period of sixty days, the matter shall be referred to the Visitor whose decision thereon shall be final.
- (5) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.
- **14.** The Pro-Vice-Chancellor shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Pro-Vice-Chancellor.

15. Every Dean of Faculty shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Deans of Faculties.

16. (1) The Registrar shall be appointed in such manner and on such terms and conditions of service as may be prescribed by the Statutes.

Registrar.

- (2) The Registrar shall have the power to enter into agreements, sign documents and authenticate records on behalf of the University and shall exercise such powers and perform such duties as may be prescribed by the Statutes.
- 17. The Finance Officer shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.

Finance Officer.

- **18.** The Controller of Examinations shall be appointed in such manner and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.
- Controller of Examinations.
- 19. The Librarian shall be appointed in such manner and on such terms and conditions of service, and shall exercise such powers and perform such duties, as may be prescribed by the Statutes.
- Librarian.
- **20.** The manner of appointment and powers and duties of other officers of the University shall be prescribed by the Statutes.
- Other Officers.

21. The following shall be the authorities of the University:—

Authorities of University.

- (1) the Court;
- (2) the Executive Council;
- (3) the Academic Council;
- (4) the Board of Studies and Academic Boards;
- (5) the Finance Committee; and
- (6) such other authorities as may be declared by the Statutes to be the authorities of the University.

Court.

22. (1) The constitution of the Court and the term of office of its members shall be prescribed by the Statutes:

Provided that the Court shall have adequate number of members from amongst the women:

Provided further that such number of members as may be prescribed by the Statutes shall be elected from among the teachers, employees and students of the University.

- (2) Subject to the provisions of this Act, the Court shall have the following powers and functions, namely:—
 - (a) to review, from time to time, the broad policies and programmes of the University and to suggest measures for the improvement and development of the University;
 - (b) to consider and approve the annual report and the annual accounts of the University and the audit report on such accounts;
 - (c) to advise the Visitor in respect of any matter which may be referred to it for advice; and
 - (d) to perform such other functions as may be prescribed by the Statutes.

Executive Council.

- **23.** (1) The Executive Council shall be the principal executive body of the University.
- (2) The constitution of the Executive Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:

Provided that the Executive Council shall have adequate number of members from among the women:

Provided further that such number of members as may be prescribed by the Statutes shall be from among the elected members of the Court.

Academic Council.

- **24.** (1) The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of this Act, the Statutes and the Ordinances, coordinate and exercise general supervision over the academic policies of the University.
- (2) The constitution of the Academic Council, the term of office of its members and its powers and functions shall be prescribed by the Statutes:

Provided that the Academic Council shall have adequate number of members from amongst the women:

Provided further that such number of members as may be prescribed by the Statutes shall be from among the elected members of the Court who are teachers of the University.

Board of Studies and Academic Boards. **25.** The constitution, powers and functions of the Board of Studies and the Academic Boards shall be prescribed by the Statutes:

Provided that the Boards of Studies and the Academic Boards shall have adequate number of members from amongst the women.

Finance Committee. **26.** The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes:

Provided that the Finance Committee shall have adequate number of members from amongst the women.

Other authorities of University.

27. The constitution, powers and functions of other authorities, as may be declared by the Statutes to be the authorities of the University, shall be prescribed by the Statutes.

Power to make Statutes.

- **28.** Subject to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—
 - (a) the constitution, powers and functions of authorities and other bodies of the University, as may be constituted from time to time;

- (b) the appointment and continuance in office of the members of the said authorities and bodies, the filling up of vacancies of members, and all other matters relating to those authorities and other bodies for which it may be necessary or desirable to provide;
- (c) the appointment, powers and duties of the officers of the University and their emoluments;
- (d) the appointment of teachers, academic staff and other employees of the University, their emoluments and conditions of service;
- (e) the appointment of teachers, academic staff working in any other University or organisation for a specific period for undertaking a joint project;
- (f) the conditions of service of employees including insurance, provident fund, the manner of termination of service and disciplinary action;
- (g) the principles governing the seniority of service of the employees of the University;
- (h) the procedure for arbitration in cases of dispute between employees or students and the University;
- (i) the procedure for appeal to the Executive Council by any employee or student against the action of any officer or authority of the University;
- (j) the conferment of autonomous status on a College or an Institution or a Department;
 - (k) the conferment of honorary degrees;
- (l) the withdrawal of degrees, diplomas, certificates and other academic distinctions:
 - (m) the management of Colleges and Institutions established by the University;
 - (n) the delegation of powers vested in the authorities or officers of the University;
 - (o) the maintenance of discipline among the employees and students; and
- (p) all other matters which by this Act are to be or may be provided for by the Statutes.
- **29.** (1) The first Statutes are those set out in the Schedule.

Statutes how to be made.

(2) The Executive Council may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section (*I*):

Provided that the Executive Council shall not make, amend or repeal any Statutes affecting the status, powers or constitution of any authority of the University until such authority has been given an opportunity of expressing an opinion in writing on the proposed changes, and any opinion so expressed shall be considered by the Executive Council.

- (3) Every new Statute or addition to the Statutes or any amendment or repeal of a Statute shall require the assent of the Visitor who may assent thereto or withhold assent or remit to the Executive Council for re-consideration.
- (4) A new Statute or a Statute amending or repealing an existing Statute shall have no validity unless it has been assented to by the Visitor.
- (5) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may make new or additional Statutes or amend or repeal the Statutes referred to in subsection (I), during the period of five years immediately after the commencement of this Act and such statutes shall be laid before both Houses of Parliament.
- (6) Notwithstanding anything contained in the foregoing sub-sections, the Visitor may direct the University to make provisions in the Statutes in respect of any matter specified

by him and if the Executive Council is unable to implement such direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably.

Power to make Ordinances.

- **30.** (1) Subject to the provisions of this Act and the Statutes, the Ordinances may provide for all or any of the following matters, namely:—
 - (a) the admission of students to the University and their enrolment as such;
 - (b) the courses of study to be laid down for all degrees, diplomas and certificates of the University;
 - (c) the medium of instruction and examination;
 - (d) the award of degrees, diplomas, certificates and other academic distinctions, the qualifications for the same and the means to be taken relating to the granting and obtaining of the same;
 - (e) the fees to be charged for courses of study in the University and for admission to the examinations, degrees and diplomas of the University;
 - (f) the institution of fellowships, scholarships, studentships, medals and prizes;
 - (g) the conditions for award of fellowships, scholarships, studentships, medals and prizes;
 - (h) the conduct of examinations, including the term of office and manner of appointment and the duties of examining bodies, examiners and moderators;
 - (i) the conditions of residence of the students of the University;
 - (j) the setting up of a machinery for redressal of grievances of employees;
 - (k) the establishment and management of Faculties, Departments, Schools, Colleges, other Institutions, Centres of Studies, Boards of Studies, Special Centres, Specialised Laboratories and other Committees;
 - (*l*) the manner of co-operation and collaboration with other Universities, institutions and other non-profiteering agencies including learned bodies or associations;
 - (*m*) the creation, composition and functions of any other body which is considered necessary for improving the academic life of the University;
 - (n) all other matters which by this Act or the Statutes, are to be or may be, provided for by the Ordinances.
- (2) The first Ordinances shall be made by the Vice-Chancellor with the previous approval of the Central Government and the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes.

Regulations.

31. The authorities of the University may make Regulations, consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.

Annual report.

- **32.** (*I*) The annual report of the University shall be prepared under the direction of the Executive Council, which shall include, among other matters, the steps taken by the University towards the fulfilment of its objects and shall be submitted to the Court on or before such date as may be prescribed by the Central Government and the Court shall consider the report in its annual meeting.
- (2) The Court shall submit the annual report to the Visitor along with its comments, if any.

- (3) A copy of the annual report, as prepared under sub-section (1), shall also be submitted to the Central Government, and that Government which shall, as soon as may be after it is submitted, cause the same to be laid before both Houses of Parliament.
- **33.** (1) The annual accounts and balance sheet of the University shall be prepared under the directions of the Executive Council and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-General of India or by such persons as he may authorise in this behalf.

Annual accounts.

- (2) A copy of the annual accounts together with the audit report thereon shall be submitted to the Court and the Visitor along with the observations of the Executive Council.
- (3) Any observations made by the Visitor on the annual accounts shall be brought to the notice of the Court and the observations of the Court, if any, shall, after being considered by the Executive Council, be submitted to the Visitor.
- (4) A copy of the annual accounts together with the audit report as submitted to the Visitor, shall also be submitted to the Central Government, which shall, as soon as may be, cause the same to be laid before both Houses of Parliament.
- (5) The audited annual accounts after having been laid before both Houses of Parliament shall be published in the Official Gazette.
 - **34.** (1) There shall be a University Fund which shall include—

Fund of University.

- (a) any contribution or grant made by the State Government;
- (b) any contribution or grant made by the University Grants Commission or the Central Government;
- (c) any contribution made by Government, semi-Government or autonomous bodies;
- (d) any bequests, donations, endowments or other grants made by any private individual or institution;
 - (e) income received by the University from fees and charges; and
 - (f) amounts received from any other source.
- (2) The amount of the said Fund shall be kept in a Scheduled Bank as defined in the Reserve Bank of India Act, 1934, or in a corresponding new bank constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980 or may be invested in such securities authorised by the Indian Trusts Act, 1882, as may be decided by the Executive Council.
- (3) The said Fund may be utilised for such purposes of the University and in such manner as may be determined.
- **35.** The University shall furnish to the Central Government such returns or other information with respect to its property or activities as the Central Government may, from time to time, require.

Returns and information.

- **36.** (I) Every employee of the University shall be appointed under a written contract, which shall be lodged with the University and a copy of which shall be furnished to the employee concerned.
- Conditions of service of employees.
- (2) Any dispute arising out of the contract between the University and any employee shall, at the request of the employee, be referred to a Tribunal of Arbitration consisting of one member appointed by the Executive Council, one member nominated by the employee concerned and an umpire appointed by the Visitor.
- (3) The decision of the Tribunal shall be final, and no suit shall lie in any civil court in respect of the matters decided by the Tribunal:

2 of 1934. 40 of 1980. 2 of 1882. Provided that nothing in this sub-section shall preclude the employee from availing of the judicial remedies available under articles 32 and 226 of the Constitution.

- (4) Every request made by the employee under sub-section (2), shall be deemed to be a submission to arbitration upon the terms of this section within the meaning of the Arbitration and Conciliation Act, 1996.
- 26 of 1996.
- (5) The procedure for regulating the work of the Tribunal shall be prescribed by the Statutes.

Procedure of appeal and arbitration in disciplinary cases against students.

- 37. (1) Any student or candidate for an examination whose name has been removed from the rolls of the University by the orders or resolution of the Vice-Chancellor, Discipline Committee or Examination Committee, as the case may be, and who has been debarred from appearing at the examinations of the University for more than one year, may, within ten days of the date of receipt of such orders or copy of such resolution by him, appeal to the Executive Council and the Executive Council may confirm, modify or reverse the decision of the Vice-Chancellor or the Committee, as the case may be.
- (2) Any dispute arising out of any disciplinary action taken by the University against a student shall, at the request of such student, be referred to a Tribunal of Arbitration and the provisions of sub-sections (2), (3), (4) and (5) of section 36 shall, as far as may be, apply to a reference made under this sub-section.

Right to appeal.

38. Every employee or student of the University or of a College or Institution maintained by the University shall, notwithstanding anything contained in this Act, have a right to appeal within such time as may be prescribed by the Statutes, to the Executive Council against the decision of any officer or authority of the University or of the Principal or the management of any College or an Institution, as the case may be, and thereupon the Executive Council may confirm, modify or reverse the decision appealed against.

Disputes as to constitution of authorities and bodies.

39. If any question arises as to whether any person has been duly elected or appointed as, or is entitled to be, a member of any authority or other body of the University, the matter shall be referred to the Visitor whose decision thereon shall be final.

Constitution of Committees.

40. Where any authority of the University is given power by this Act or the Statutes to appoint Committees, such Committees shall, save as otherwise provided, consist of the members of the authority concerned and of such other person, if any, as the authority in each case may think fit.

Filling of casual vacancies.

41. All casual vacancies among the members (other than *ex officio* members) of any authority or other body of the University shall be filled, as soon as may be, by the person or body who appoints, elects or co-opts the member whose place has become vacant and the person appointed, elected or co-opted to a casual vacancy shall be a member of such authority or body for the residue of the term for which the person whose place he fills would have been a member.

Proceedings of authorities or bodies not invalidated by vacancies. **42.** No act or proceedings of any authority or other body of the University shall be invalid merely by reason of the existence of a vacancy or vacancies among its members.

Protection of action taken in good faith.

43. No suit or other legal proceeding shall lie against any officer or other employee of the University for anything which is in good faith done or intended to be done in pursuance of any of the provisions of this Act, the Statutes or the Ordinances.

Mode of proof of University record.

44. Notwithstanding anything contained in the Indian Evidence Act, 1872 or in any other law for the time being in force, a copy of any receipt, application, notice, order, proceeding or resolution of any authority or other body of the University, or any other document in possession of the University, or any entry in any register duly maintained by the University, if certified by the Registrar, shall be received as *prima facie* evidence of such receipt, application, notice, order, proceeding, resolution or document or the existence of

1 of 1872.

entry in the register and shall be admitted as evidence of the matters and transactions therein where the original thereof would, if produced, have been admissible in evidence.

45. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

- (2) Every order made under sub-section (I) shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.
- **46.** (1) Every Statute, Ordinance or Regulation made under this Act shall be published in the Official Gazette.
- (2) Every Statute, Ordinance or Regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the Statute, Ordinance or Regulation or both Houses agree that the Statute, Ordinance or Regulation should not be made, the Statute, Ordinance or Regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that Statute, Ordinance or Regulation.

and
Regulations
to be
published in
Official
Gazette and
to be laid
before
Parliament.

Statutes, Ordinances

- (3) The power to make Statutes, Ordinances or Regulations shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the Statutes, Ordinances or Regulations or any of them but no retrospective effect shall be given to any Statute, Ordinance or Regulation so as to prejudicially affect the interests of any person to whom such Statute, Ordinance or Regulation may be applicable.
 - **47.** Notwithstanding anything contained in this Act and the Statutes,—

Transitional provisions.

- (a) the first Chancellor and first Vice-Chancellor shall be appointed by the Visitor in such manner and on such conditions as may be deemed fit and each of the said officer shall hold office for such term, not exceeding five years as may be specified by the Visitor;
- (b) the first Registrar and the first Finance Officer shall be appointed by the Visitor and each of the said officers shall hold office for a term of three years;
- (c) the first Court and the first Executive Council shall consist of not more than thirty-one members and eleven members, respectively, who shall be nominated by the Central Government and shall hold office for a term of three years;
- (d) the first Academic Council shall consist of not more than twenty-one members, who shall be nominated by the Central Government and they shall hold office for a term of three years:

Provided that if any vacancy occurs in the above offices or authorities, the same shall be filled by appointment or nomination, as the case may be in the manner prescribed by the Statutes.

THE SCHEDULE

(See section 29)

THE STATUTES OF THE UNIVERSITY

Chancellor.

1. (I) The Chancellor shall be appointed by the Visitor from a panel of not less than three persons recommended by the Executive Council from amongst persons of eminence in the academic or public life of the country:

Provided that if the Visitor does not approve of any of the persons so recommended, he may call for fresh recommendations from the Executive Council.

(2) The Chancellor shall hold office for a term of five years and shall not be eligible for reappointment:

Provided that notwithstanding the expiry of his term of office, the Chancellor shall continue to hold office until his successor enters upon his office.

Vice-Chancellor. **2.** (*I*) The Vice-Chancellor shall be appointed by the Visitor from a panel of not less than three persons who shall be recommended by a Committee as constituted under clause (2):

Provided that if the Visitor does not approve of any of the persons included in the panel, he may call for an extended fresh panel.

(2) The Committee referred to in clause (I) shall consist of five persons, out of whom three shall be nominated by the Executive Council and two by the Visitor and one of the nominees of the Visitor shall be the convener of the Committee:

Provided that none of the members of the Committee shall be an employee of the University or a college or an institution maintained by the University or a member of any authority of the University or connected with an institution associated with the University or having any business interest in the University.

- (3) The Vice-Chancellor shall be a whole-time salaried officer of the University.
- (4) The Vice-Chancellor shall hold office for a term of five years from the date on which he enters upon his office, or until he attains the age of seventy years, whichever is earlier, and he shall be eligible for reappointment:

Provided that the Visitor may direct any Vice-Chancellor after his term has expired, to continue in office for such period, not exceeding a total period of one year, as may be specified by him.

(5) Notwithstanding anything contained in clause (4), the Visitor may, at any time after the Vice-Chancellor has entered upon his office, by order in writing, remove the Vice-Chancellor from office on grounds of incapacity, misconduct or violation of statutory provisions:

Provided that no such order shall be made by the Visitor unless the Vice-Chancellor has been given a reasonable opportunity of showing cause against the action proposed to be taken against him:

Provided further that the Visitor may, at any time before making such order, place the Vice-Chancellor under suspension, pending enquiry.

- (6) The emoluments and other conditions of service of the Vice-Chancellor shall be as follows:—
 - (i) the Vice-Chancellor shall be paid a monthly salary and allowances, other than house rent allowance, at the rates fixed by the Central Government from time to time and he shall be entitled, without payment of rent, to use a furnished residence

throughout the term of office and no charge shall fall on the Vice-Chancellor in respect of the maintenance of such residence;

(ii) the Vice-Chancellor shall be entitled to such terminal benefits and allowances as may be fixed by the Executive Council with the approval of the Visitor from time to time:

Provided that where an employee of the University, or a College or an Institution maintained by it, or of any other University or any Institution maintained by or affiliated to such other University, is appointed as the Vice-Chancellor, he may be allowed to continue to contribute to any provident fund of which he is a member and the University shall contribute to the account of such person in that provident fund at the same rate at which the person had been contributing immediately before his appointment as the Vice-Chancellor:

Provided further that where such employee had been member of any pension scheme, the University shall make the necessary contribution to such scheme;

- (iii) the Vice-Chancellor shall be entitled to travelling allowance at such rates as may be fixed by the Executive Council;
- (*iv*) the Vice-Chancellor shall be entitled to leave on full pay at the rate of thirty days in a calendar year and the leave shall be credited to his account in advance in two half-yearly instalments of fifteen days each on the first day of January and July every year:

Provided that if the Vice-Chancellor assumes or relinquishes charge of the office of the Vice-Chancellor during the currency of a half year, the leave shall be credited proportionately at the rate of two and-a-half days for each completed month of service:

(v) in addition to the leave referred to in sub-clause (iv), the Vice-Chancellor shall also be entitled to half-pay leave at the rate of twenty days for each completed year of service, and half-pay leave may also be availed of as commuted leave on full pay on medical certificate:

Provided that when such commuted leave is availed of, twice the amount of half-pay leave shall be debited against half-pay leave due.

(7) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise, or if he is unable to perform his duties due to ill-health or any other cause, the Pro-Vice-Chancellor shall perform the duties of the Vice-Chancellor:

Provided that if the Pro-Vice-Chancellor is not available, the seniormost Professor shall perform the duties of the Vice-Chancellor until a new Vice-Chancellor assumes office or until the existing Vice-Chancellor resumes the duties of his office, as the case may be.

3. (1) The Vice-Chancellor shall be *ex officio* Chairman of the Executive Council, the Academic Council and the Finance Committee and shall, in the absence of the Chancellor, preside at the Convocations held for conferring degrees and at meetings of the Court.

Powers and duties of Vice-Chancellor.

- (2) The Vice-Chancellor shall be entitled to be present at, and address, any meeting of any authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.
- (3) It shall be the duty of the Vice-Chancellor to see that this Act, the Statutes, the Ordinances and the Regulations are duly observed, and he shall have all the powers necessary to ensure such observance.
- (4) The Vice-Chancellor shall exercise control over the affairs of the University and shall give effect to the decisions of all the authorities of the University.
- (5) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he deems fit.

- (6) The Vice-Chancellor shall have the power to convene or cause to be convened the meetings of the Executive Council, the Academic Council and the Finance Committee.
- (7) The Vice Chancellor shall have powers to hear appeal against any order passed by the Registrar and to confirm or to modify or to reverse the order.

Pro-Vice-Chancellor. **4.** (1) Every Pro-Vice-Chancellor shall be appointed by the Executive Council on the recommendation of the Vice-Chancellor:

Provided that where the recommendation of the Vice-Chancellor is not accepted by the Executive Council, the matter shall be referred to the Visitor who may either appoint the person recommended by the Vice-Chancellor or ask the Vice-Chancellor to recommend another person to the Executive Council:

Provided further that the Executive Council may, on the recommendation of the Vice-Chancellor, appoint a Professor to discharge the duties of a Pro-Vice-Chancellor in addition to his own duties as a Professor.

(2) The term of office of a Pro-Vice-Chancellor shall be such as may be decided by the Executive Council but it shall not in any case exceed five years or until the expiration of the term of office of the Vice-Chancellor, whichever is earlier:

Provided that a Pro-Vice-Chancellor whose term of office has expired shall be eligible for reappointment:

Provided further that, in any case, a Pro-Vice-Chancellor shall retire on attaining the age of seventy years:

Provided also that a Pro-Vice-Chancellor shall, while discharging the duties of the Vice-Chancellor under clause (7) of Statute 2, continue in office notwithstanding the expiration of his term of office as Pro-Vice-Chancellor, until a new Vice-Chancellor or the existing Vice-Chancellor, as the case may be, assumes office or his retirement whichever is earlier.

- (3) The emoluments and other terms and conditions of service of a Pro-Vice-Chancellor shall be such as may be prescribed by the Ordinances.
- (4) A Pro-Vice-Chancellor shall assist the Vice-Chancellor in respect of such matters as may be specified by the Vice-Chancellor in this behalf, from time to time, and shall also exercise such powers and perform such duties as may be assigned or delegated to him by the Vice-Chancellor.

Deans of Faculties.

5. (1) Every Dean of a Faculty shall be appointed by the Vice-Chancellor from amongst the Professors in the Faculty by rotation in the order of seniority for a period of three years:

Provided that in case there is either one or no Professor in a Faculty, the Dean shall be appointed, for the time being, from amongst the Professor, if any, and the Associate Professors in the Faculty by rotation in the order of seniority:

Provided further that a Dean on attaining the age of sixty-five years shall cease to hold office as such:

- (2) When the office of the Dean is vacant or when the Dean is, by reason of illness, absence or any other cause, unable to perform duties of his office, the duties of the office shall be performed by the seniormost Professor or Associate Professor, as the case may be, in the Faculty.
- (3) The Dean shall be the Head of the Faculty and shall be responsible for the conduct and maintenance of the standards of teaching and research in the Faculty and shall have such other functions as may be prescribed by the Ordinances.
- (4) The Dean shall have the right to be present and to speak at any meeting of the Boards of Studies or Committees of the Faculty, as the case may be, but shall not have the right to vote thereat unless he is a member thereof.

6. (1) The Registrar shall be appointed by the Executive Council on the recommendation of a Selection Committee constituted for the purpose and shall be a whole-time salaried officer of the University.

Registrar.

- (2) He shall be appointed for a term of five years and shall be eligible for reappointment.
- (3) The emoluments and other terms and conditions of service of the Registrar shall be such as may be prescribed by the Ordinances:

Provided that the Registrar shall retire on attaining the age of sixty-two years.

- (4) When the office of the Registrar is vacant or when the Registrar is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.
- (5) (a) The Registrar shall have power to take disciplinary action against such of the employees in respect of whom he is the appointing authority, and to suspend them pending inquiry and, to impose upon them such penalty as he deem fit:

Provided that, till the provisions are made to provide for the procedure to be followed for imposition of penalty, the procedure as provided in the Central Civil Services (Classification, Control and Appeal) Rules, 1965 is followed.

- (b) An appeal shall lie to the Vice-Chancellor against any order of the Registrar.
- (6) The Registrar shall be *ex officio* Secretary of, the Executive Council and the Academic Council, but shall not be deemed to be a member of any of these authorities and he shall be *ex officio* Member-Secretary of the Court.
 - (7) It shall be the duty of the Registrar—
 - (a) to be the custodian of the records, the common seal and such other property of the University as the Executive Council shall commit to his charge;
 - (b) to issue all notices convening meetings of the Court, the Executive Council, the Academic Council and of any Committee appointed by those authorities;
 - (c) to keep the minutes of all the meetings of the Court, the Executive Council, the Academic Council and of any Committee appointed by those authorities;
 - (d) to conduct the official correspondence of the Court, the Executive Council and the Academic Council;
 - (e) to supply to the Visitor and the Chancellor copies of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of such meetings;
 - (f) to represent the University in suits or proceedings by or against the University, sign powers of attorney and verify pleadings or depute his representative for the purpose; and
 - (g) to perform such other duties as may be specified in the Statutes, the Ordinances or the Regulations or as may be required from time to time, by the Executive Council or assigned to by the Vice-Chancellor.
- **7.** (1) The Finance Officer shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

Finance Officer.

- (2) The Finance Officer shall be appointed for a term of five years and shall be eligible for reappointment.
- (3) The emoluments and other terms and conditions of service of the Finance Officer shall be such as may be prescribed by the Ordinances:

Provided that a Finance Officer shall retire on attaining the age of sixty-two years.

- (4) When the office of the Finance Officer is vacant or when the Finance Officer is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.
- (5) The Finance Officer shall be *ex officio* Secretary of the Finance Committee but shall not be deemed to be a member of such Committee.

(6) The Finance Officer shall—

- (a) exercise general supervision over the funds of the University and shall advise it as regards its financial policy; and
- (b) perform such other financial functions as may be assigned to him by the Executive Council or as may be prescribed by the Statutes or the Ordinances or the Regulations.
- (7) Subject to the control of the Executive Council, the Finance Officer shall—
- (a) hold and manage the property and investments of the University including trust and endowed property;
- (b) ensure that the limits fixed by the Executive Council for recurring and non-recurring expenditure for a year are not exceeded and that all moneys are expended on the purpose for which they are granted or allotted;
- (c) be responsible for the preparation of annual accounts and the budget of the University and for their presentation to the Executive Council;
- (d) keep a constant watch on the state of the cash and bank balances and on the state of investments;
- (e) watch the progress of the collection of revenue and advise on the methods of collection employed;
- (f) ensure that the registers of buildings, land, furniture and equipment are maintained up-to-date and that stock-checking are conducted, of equipment and other consumable materials in all Offices, Centres, Specialised Laboratories, Colleges and Institutions maintained by the university;
- (g) bring to the notice of the Vice-Chancellor unauthorised expenditure and other financial irregularities and suggest disciplinary action against persons at fault; and
- (h) call for from any Office, Centre, Laboratory, College or Institution maintained by the University any information or returns that he may consider necessary for the performance of his duties.
- (8) Any receipt given by the Finance Officer or the person or person duly authorised in this behalf by the Executive Council for any money payable to the University shall be sufficient discharge for payment of such money.

Controller of Examinations.

- **8.** (1) The Controller of Examinations shall be appointed by the Executive Council on the recommendations of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.
- (2) The Controller of Examinations shall be appointed for a term of five years and shall be eligible for reappointment.
- (3) The emoluments and other terms and conditions of service of the Controller of Examinations shall be such as may be prescribed by the Executive Council from time to time:

Provided that the Controller of Examinations shall retire on attaining the age of sixty-two years:

- (4) When the office of the Controller of Examinations is vacant or when the Controller of Examinations is, by reason of illness, absence or any other cause, unable to perform the duties of his office, the duties of the office shall be performed by such person as the Vice-Chancellor may appoint for the purpose.
- (5) The Controller of Examinations shall arrange for and superintend the examinations of the University in the manner prescribed by the Ordinances.
- **9.** (1) The Librarian shall be appointed by the Executive Council on the recommendations of the Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

Librarian.

- (2) The Librarian shall exercise such powers and perform such duties as may be assigned to him by the Executive Council.
- **10.** (*I*) An annual meeting of the Court shall be held on a date to be fixed by the Executive Council unless some other date has been fixed by the Court in respect of any year.

Meetings of Court.

- (2) At an annual meeting of the Court, a report on the working of the University during the previous year, together with a statement of the receipts and expenditure, the balance-sheet as audited, and the financial estimates for the next year shall be presented.
- (3) A copy of the statement of receipts and expenditure, the balance-sheet and the financial estimates referred to in clause (2) shall be sent to every member of the Court at least seven days before the date of the annual meeting.
- (4) Special meetings of the Court may be convened by the Executive Council or the Vice-Chancellor.
 - (5) Eleven members of the Court shall form a quorum for a meeting of the Court.
- **11.** Five members of the Executive Council shall form a quorum for a meeting of the Executive Council.

Quorum for meeting of Executive Council

12. (*I*) The Executive Council shall have the power of management and administration of the revenues and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

Powers and functions of Executive Council.

- (2) Subject to the provisions of this Act, the Statutes and the Ordinances, the Executive Council shall, in addition to all other powers vested in it, have the following powers, namely:—
 - (i) to create teaching and other academic posts including Chairs to determine the number and emoluments of such posts and to define the duties and conditions of service of Professors, Associate Professors, Assistant Professors and other academic staff:

Provided that no action shall be taken by the Executive Council in respect of the number and qualifications of teachers and other academic staff otherwise than after consideration of the recommendations of the Academic Council;

- (ii) to appoint such Professors, Associate Professors, Assistant Professors and other academic staff including Chairs, as may be necessary, on the recommendation of the Selection Committee constituted for the purpose and to fill-up temporary vacancies therein;
- (iii) to promote interdisciplinary research by making joint appointments of teaching staff in different Faculties, Departments and Centres;
- (*iv*) to create administrative, ministerial and other posts and to define their duties and conditions of their service and to make appointments to the posts for which it is the appointing authority in the manner prescribed by the Ordinances;

- (v) to grant leave of absence to any officer of the University other than the Chancellor and the Vice-Chancellor;
- (vi) to regulate and enforce discipline among employees in accordance with the Statutes and the Ordinances;
- (vii) to manage and regulate the finances, accounts, investments, property, business and all other administrative affairs of the University and for that purpose to appoint such agents as it may think fit;
- (*viii*) to fix limits on the total recurring and the total non-recurring expenditure for a year on the recommendation of the Finance Committee;
- (*ix*) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities, from time to time, as it may think fit or in the purchase of immovable property in India, with the like powers of varying such investment from time to time;
- (x) to transfer or accept transfers of any movable or immovable property on behalf of the University;
- (xi) to provide buildings, premises, furniture and apparatus and other means needed for carrying on the work of the University;
 - (xii) to enter into, vary, carry out and cancel contracts on behalf of the University;
- (*xiii*) to entertain, adjudicate upon, and if thought fit, to redress any grievances of the employees and students of the University who may, for any reason, feel aggrieved by the order of the Vice-Chancellor;
- (*xiv*) to appoint examiners and moderators and, if necessary, to remove them, and to fix their fees, emoluments and travelling and other allowances, after consulting the Academic Council;
- (xv) to select a common seal for the University and provide for the custody and use of such seal;
- (xvi) to institute fellowships, scholarships, studentships, medals and prizes; and to receive donations from the members of the general public and institutions, with due acknowledgment for establishing a Chair by contributing at least rupees one crore, in the name of the donor or in memory of any person desired; for creating foundations, not below rupees one crore in the name of the donor or in memory of any person desired; and for bearing the cost of any building or complex to the tune of not below rupees one crore in the name of the donor or in memory of any person desired;
- (*xvii*) to provide for the appointment of Visiting Professors, Emeritus Professors, Joint Faculty, Adjunct Faculty, Consultants and Scholars and determine the terms and conditions of such appointments; and
- (xviii) to exercise such other powers and perform such other duties as may be conferred or imposed on it by the Act or the Statutes.
- 13. Seven members of the Academic Council shall form a quorum for a meeting of the Academic Council.
- **14.** Subject to the provisions of this Act, the Statutes and the Ordinances, the Academic Council shall, in addition to all other powers vested in it, have the following powers, namely:—
 - (a) to consider matters of general academic interest either on its own initiative or on a reference by a Faculty or the Executive Council or the Court and to take appropriate action thereon;

Quorum for meetings of Academic Council. Powers and functions of Academic

Council.

- (b) to make arrangements through Ordinances for the instruction and examination of persons other than those enrolled in the University;
- (c) to exercise general supervision over the academic policies of the University and to give directions regarding methods of admission and instruction, co-ordination of teaching among the colleges and the institutions, evaluation of research and improvement of academic standards;
- (d) to bring about and promote inter-faculty co-ordination and to establish or appoint such committees or boards as may be deemed necessary for the purpose;
- (e) to recognise diplomas or degrees and other Universities and Institutions and to determine their equivalence in relation to the diplomas and degrees of the University;
- (f) to fix, subject to any conditions accepted by the Executive Council, the time mode and conditions of competition for fellowship, scholarships and other prizes, and to award the same:
- (g) to make recommendations to the Executive Council in regard to the appointment of examiners and if necessary, their removal and fixation of their fees, emoluments and travelling and other expenses;
- (h) to make arrangements for the conduct of examinations and to fix dates for holding them;
- (i) to declare result of the various examinations, or to appoint committees or officers to do so and to make recommendations regarding the conferment or grant of degrees, honours, diplomas, titles and marks of honour;
- (j) to award stipends, scholarships, medals and prizes and to make other awards in accordance with the Regulations and such other conditions as may be attached to the awards;
- (*k*) to approve and publish syllabus or the prescribed courses of study and lists of prescribed or recommended text books;
- (*l*) to prepare such forms and registers as are, from time to time, prescribed by Regulations; and
- (*m*) to perform, in relation to academic matters, all such duties and acts as may be necessary, for the fulfilment of the objects of this Act.
- **15.** (1) The University shall have such Faculties as may be specified in the Statutes.
- (2) Every Faculty shall have a Faculty Board and the members of the first Faculty Board shall be nominated by the Executive Council for a period of three years.
- (3) The composition, powers and functions of a Faculty Board shall be prescribed by the Ordinances.
- (4) The conduct of the meetings of a Faculty Board and the quorum required for such meetings shall be prescribed by the Ordinances.
- (5) (a) Every Faculty shall consist of such Departments as may be assigned to it by the Statutes:

Provided that the Executive Council may, on the recommendation of the Academic Council, establish Centres of Studies to which may be assigned such teachers of the University as the Executive Council may consider necessary.

- (b) Each Department shall consist of the following members, namely:—
 - (i) Teachers of the Department;
 - (ii) Persons conducting research in the Department;

Faculties and Departments.

- (iii) Dean of the Faculty;
- (iv) Honorary Professors, if any, attached to the Department; and
- (v) Such other persons as may be members of the Department in accordance with the provisions of the Ordinances.

Board of Studies.

- **16.** (1) Each Department shall have a Board of Studies.
- (2) The constitution of the Board of Studies and the term of office of its members shall be prescribed by the Ordinances.
- (3) Subject to the overall control and supervision of the Academic Council, the functions of a Board of Studies shall be to approve subjects for research for various degrees and other requirements of research degrees and to recommend to the concerned Faculty Board in the manner prescribed by the Ordinances—
 - (a) courses of studies and appointment of examiners for courses, but excluding research degrees;
 - (b) appointment of supervisors for research; and
 - (c) measures for the improvement of the standard of teaching and research:

Provided that the above functions of a Board of Studies shall, during the period of three years immediately after the commencement of the Act, be performed by the Department.

Finance Committee.

- 17. (1) The Finance Committee shall consist of the following members, namely:—
 - (i) the Vice-Chancellor;
 - (ii) the Pro-Vice-Chancellor;
 - (iii) one person to be nominated by the Court;
- (*iv*) three persons to be nominated by the Executive Council, out of whom at least one shall be a member of the Executive Council; and
 - (v) three persons to be nominated by the Visitor.
- (2) Five members of the Finance Committee shall form a quorum for a meeting of the Finance Committee.
- (3) All the members of the Finance Committee, other than *ex officio* members, shall hold office for a term of three years.
- (4) A member of the Finance Committee shall have the right to record a minute of dissent if he does not agree with any decision of the Finance Committee.
- (5) The Finance Committee shall meet at least thrice every year to examine the accounts and to scrutinise proposals for expenditure.
- (6) All proposals relating to creation of posts, and those items which have not been included in the Budget, shall be examined by the Finance Committee before they are considered by the Executive Council.
- (7) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Executive Council for approval.
- (8) The Finance Committee shall recommend limits for the total recurring expenditure and the total non-recurring expenditure for the year, based on the income and resources of the University (which, in the case of productive works, may include the proceeds of loans).
- $18.\ (I)$ There shall be Selection Committees for making recommendations to the Executive Council for appointment to the posts of Professor, Associate Professor, Assistant Professor, Registrar, Finance Officer, Librarian and Principals of Colleges and Institutions maintained by the University.

Selection Committees and Appointments. (2) The Selection Committee for appointment to the posts specified in Column 1 of the Table below shall consist of the Vice-Chancellor, a nominee of the Visitor and the persons specified in the corresponding entry in column 2 of the said Table:

TABLE

2			
(i) The Dean of the Faculty.			
(ii) The Head of the Department, if he is a Professor.			
(iii) Three persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of, or interest in the subject with which the Professor will be concerned.			
r (i) The Head of the Department.			
(ii) One Professor nominated by the Vice-Chancellor.			
(iii) Two persons not in the service of the University, nominated by the Executive Council, out of a panel of names recommended by the Academic Council for their special knowledge of, or interest in, the subject with which the Associate Professor or Assistant Professor will be concerned.			
(i) Two members of the Executive Council nominated by it. (ii) One person not in the service of the University nominated by the Executive Council.			
(i) Two persons not in the service of the University who have special knowledge of the subject of the Library Science or Library Administration nominated by the Executive Council.			
(ii) One person not in the service of the University nominated by the Executive Council.			
Three persons not in the service of the University of whom two shall be nominated by the Executive Council and one by the Academic Council for their special knowledge of, or interest in, a subject in which instruction is being provided by the College or Institution.			

Note 1.— Where the appointment is being made for an inter-disciplinary project, the head of the project shall be deemed to be the Head of the Department concerned.

Note 2.—The Professor to be nominated by the Vice-Chancellor shall be a Professor concerned with the speciality for which the selection is being made and the Vice-Chancellor shall consult the Head of the Department and the Dean of School before nominating the Professor.

(3) The Vice-Chancellor, or on his authorisation the Pro-Vice-Chancellor, or the Dean shall convene and preside over the meeting of the Selection Committee:

Provided that the meeting of the Selection Committee shall be fixed after prior consultation with, and subject to the convenience of Visitor's nominee and the experts nominated by the Executive Council:

Provided further that the proceedings of the Selection Committee shall not be valid unless,—

(a) where the number of Visitor's nominee and the persons nominated by the Executive Council is four in all, at least three of them attend the meeting; and

- (b) where the number of Visitor's nominee and the persons nominated by the Executive Council is three in all, at least two of them attend the meeting.
- (4) The procedure to be followed by the Selection Committee shall be laid down in the Ordinances.
- (5) All the proceedings, right from occurrence of vacancy to selection of the applicants by the Selection Committee shall be placed before the Executive Council by way of Agenda Note circulated in advance along with the recommendations of the Selection Committee in sealed cover for informed decision making by the Executive Council:

Provided that, if any complaint has been received on the same, it shall also be included in the Agenda Note.

- (6) On being satisfied with the selection process, the Executive Council may accept the recommendations of the Selection Committee and shall appoint the person so selected on such terms and conditions as it deems fit.
- (7) If the Executive Council is unable to accept the recommendations made by the Selection Committee, it shall record its reasons and submit the case to the Visitor for final orders.
 - (8) Appointments to temporary posts shall be made in the manner indicated below:—
 - (i) if the temporary vacancy is for duration longer than one academic session, it shall be filled on the advice of the Selection Committee in accordance with the procedure indicated in the foregoing clauses;
 - (*ii*) if the temporary vacancy is for a period less than a year, an appointment to such vacancy shall be made on the recommendation of a local Selection Committee consisting of the Dean of the Faculty concerned, the Head of the Department and a nominee of the Vice-Chancellor:

Provided that if the same person holds the offices of the Dean and the Head of the Department, the Selection Committee may contain two nominees of the Vice-Chancellor;

(iii) no temporarily appointed teacher shall, if he is not recommended by a regular Selection Committee for appointment under the Statutes, be continued in service on such temporary employment.

Special mode of appointment.

19. (I) Notwithstanding anything contained in Statute 18, the Executive Council may appoint a person of high academic distinction and professional attainments to accept a post of Professor or Associate Professor or any other equivalent academic post in the University on such terms and conditions as it deems fit:

Provided that the Executive Council may also create supernumerary posts for a specified period for appointment of such persons:

Provided further that the number of supernumerary posts so created should not exceed five per cent. of the total posts in the University.

(2) The Executive Council may appoint a teacher or any other academic staff working in any other University or organisation for undertaking a joint project in accordance with the manner laid down in the Ordinances.

Committees.

- **20.** (I) An authority of the University may appoint as many standing or special Committees as it may deem fit, and may appoint to such Committees persons who are not members of such authority.
- (2) A Committee appointed under clause (I) may deal with any subject delegated to it subject to subsequent confirmation by the authority appointing it.

- **21.** (1) All the teachers and other academic staff of the University shall, in the absence of any agreement to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations.
- (2) The emoluments of members of the academic staff shall be such as may be prescribed by the Ordinances.
- prescribed by the Ordinances.

 (3) On appointment, every teacher and member of the academic staff of the University

shall sign a contract, the form of which shall be prescribed by the Ordinances.

- (4) A copy of every contract referred to in clause (3) shall be deposited with the Registrar.
- **22.** (1) All the employees of the University, other than the teachers and other academic staff shall, in the absence of any contract to the contrary, be governed by the terms and conditions of service and code of conduct as are specified in the Statutes, the Ordinances and the Regulations and until such Statutes, Ordinances and Regulations are made, the provisions of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 shall apply.

Terms and conditions of service and code of conduct of other employees.

Terms and conditions of

service and

the teachers.

code of conduct of

- (2) The manner of appointment and emoluments of employees, other than the teachers and other academic staff, shall be such as may be prescribed by the Ordinances.
- **23.** (1) Whenever, in accordance with the Statutes, any person is to hold an office or be a member of an authority of the University by rotation according to seniority, such seniority shall be determined according to the length of continuous service of such person in his grade and a person in higher grade will be considered senior to a person in the lower grade.

Seniority list.

- (2) It shall be the duty of the Registrar to prepare and maintain in respect of each class of persons to whom the provisions of these Statutes apply, a complete and up-to-date seniority list in accordance with the provisions of clause (1).
- (3) If two or more persons have equal length of continuous service in a particular grade or the relative seniority of any person or persons is otherwise in doubt, the Registrar may, on his own motion and shall, at the request of any such person, submit the matter to the Executive Council whose decision thereon shall be final.
- **24.** (1) Where there is an allegation of misconduct against a teacher, a member of the academic staff or other employee of the University and the authority competent to appoint (hereinafter referred to as the appointing authority) is of the view that continuance of such teacher, member of the academic staff, or other employee is not in the public interest or detrimental to the fair conduct of the regular departmental enquiry, he may, by order in writing, place such teacher, member of the academic staff or other employee, under suspension:

Disciplinary action against employees of the University.

Provided that if the appointing authority of such teacher, member of the academic staff or other employee is the Executive Council, the Vice-Chancellor may, after recording the facts and circumstances warranting suspension of such teacher, member of the academic staff or other employee, suspend him and report the matter to the Executive Council within three months' failing which the order shall stand revoked:

Provided further that after considering the report of the Vice-Chancellor, the Executive Council may confirm or revoke the order.

- (2) Notwithstanding anything contained in the terms of the contract of appointment or of any other terms and conditions of service of the employees, the Executive Council in respect of teachers and other academic staff, and the appointing authority in respect of other employees, shall have the power to remove a teacher or a member of the academic staff or other employee, as the case may be, on grounds of misconduct.
- (3) Save as aforesaid, the Executive Council, or as the case may be, the appointing authority, shall not be entitled to remove any teacher, member of the academic staff or other

employee except for a good cause and after giving three months' notice or on payment of three months' salary in lieu thereof.

- (4) No teacher, member of the academic staff or other employee shall be removed under clause (2) or clause (3) unless he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him.
- (5) The removal of a teacher, member of the academic staff or other employee shall take effect from the date on which the order of removal is made:

Provided that where the teacher, member of the academic staff or other employee is under suspension at the time of his removal, such removal shall take effect from the date on which he was placed under suspension.

- (6) Notwithstanding anything contained in the foregoing provisions of this Statute, a teacher, member of the academic staff or other employee may resign,—
 - (a) if he is a permanent employee, only after giving three months' notice in writing to the Executive Council or the appointing authority, as the case may be, or by paying three months' salary in lieu thereof;
 - (b) if he is not a permanent employee, only after giving one month's notice in writing to the Executive Council or, as the case may be, the appointing authority or by paying one month's salary in lieu thereof:

Provided that such resignation shall take effect only on the date on which the resignation is accepted by the Executive Council or the appointing authority, as the case may be.

Honorary degrees.

25. (1) The Executive Council may, on the recommendation of the Academic Council and by a resolution passed by a majority of not less than two-thirds of the members present and voting, make proposals to the Visitor for the conferment of honorary degrees:

Provided that in case of emergency, the Executive Council may, on its own motion, make such proposals.

(2) The Executive Council may, by a resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw, with the previous sanction of the Visitor, any honorary degree conferred by the University.

Withdrawal of degrees, etc.

26. The Executive Council may, by a special resolution passed by a majority of not less than two-thirds of the members present and voting, withdraw any degree or academic distinction conferred on, or any certificate or diploma granted to, any person by the University for good and sufficient cause:

Provided that no such resolution shall be passed until a notice in writing has been given to that person calling upon him to show cause within such time as may be specified in the notice why such a resolution should not be passed and until his objections, if any, and any evidence he may produce in support of them, have been considered by the Executive Council.

Maintenance of discipline among students of University.

- **27.** (1) All powers relating to the maintenance of discipline and disciplinary action in relation to the students of the University shall vest in the Vice-Chancellor.
- (2) The Vice-Chancellor may delegate all or any of his powers referred to in clause (1), as he deems proper, to a Pro-Vice-Chancellor and to such other officers as he may specify in this behalf.
- (3) Without prejudice to the generality of his powers relating to the maintenance of discipline and taking such action, as may seem to him appropriate for the maintenance of discipline, the Vice-Chancellor may, in exercise of such powers, by order, direct that any student or students be expelled or rusticated, for a specified period, or be not admitted to a course or courses of study in a College, Institution or Department or a Faculty of the University for a stated period, or be punished with fine for an amount to be specified in the

order, or be debarred from taking an examination or examinations conducted by the University, College, Institution or Department or a Faculty for one or more years, or that the results of the student or students concerned in the examination or examinations in which he or they have appeared be cancelled.

- (4) The Principals of Colleges, Institutions, Deans of Faculties and Heads of teaching Departments in the University shall have the authority to exercise all such disciplinary powers over the students in their respective Colleges, Institutions, Faculties and teaching Departments in the University, as may be necessary for the proper maintenance of discipline in such Colleges, Institutions, Faculties and teaching Departments.
- (5) Without prejudice to the powers of the Vice-Chancellor and the Principal and other persons specified in clause (4), detailed rules of discipline and proper conduct shall be made by the University. The Principals of Colleges, Institutions, Deans of Faculties and Heads of teaching Departments in the University may also make such supplementary rules as they deem necessary to the aforesaid purpose.
- (6) At the time of admission, every student shall be required to sign a declaration to the effect that he submits himself to the disciplinary jurisdiction of the Vice-Chancellor and other authorities of the University.
- **28.** Convocations of the University for the conferring of degrees shall be held in such manner as may be prescribed by the Ordinances.

Convocations.

29. Where no provision is made for a President or Chairperson to preside over a meeting of any authority of the University or any Committee of such authority or when the President or Chairperson so provided for is absent, the members present shall elect one from among themselves to preside at such meeting.

Acting Chairman of meetings.

30. Any member, other than an *ex officio* member of the Court, the Executive Council, the Academic Council or any other authority of the University or any Committee of such authority may resign by letter addressed to the Registrar and the resignation shall take effect as soon as such letter is received by the Registrar.

Resignation.

31. (1) A person shall be disqualified for being chosen as, and for being, a member of any of the authorities, or being appointed as, and for being, an officer of the University if—

Disqualifications.

- (i) he is of unsound mind; or
- (ii) he is an undercharged insolvent; or
- (iii) he has been convicted by a court of law of an offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than six months.
- (2) If any question arises as to whether a person is or had been subjected to any of the disqualifications mentioned in clause (I), the question shall be referred to the Visitor and his decision shall be final and no other proceedings shall lie in any civil court against such decision.
- **32.** Notwithstanding anything contained in the Statutes, a person who is not ordinarily resident in India shall not be eligible to be an officer of the University or a member of any authority of the University.
- **33.** Notwithstanding anything contained in the Statutes, a person who holds any post in the University or is a member of any authority or body of the University in his capacity as a member of a particular authority or body or as the holder of a particular appointment shall hold such office or membership only for so long as he continues to be a member of that particular authority or body or the holder of that particular appointment, as the case may be.
 - **34.** (1) There shall be an Alumni Association for the University.
- (2) The subscription for membership of the Alumni Association shall be prescribed by the Ordinances.

Residence condition for membership and office. Membership of authorities by virtue of membership of other bodies.

Alumni Association. (3) No member of the Alumni Association shall be entitled to vote or stand for elections unless he has been a member of the Association for at least one year prior to the date of election and is a degree holder of the University of at least five years standing:

Provided that the condition relating to the completion of one year's membership shall not apply in the case of the first election.

Students' Council.

- **35.** (1) There shall be constituted in the University, a Student's Council for every academic year, consisting of—
 - (i) twenty students to be nominated by the Academic Council on the basis of merit in studies, sports and extra-curricular activities; and
 - (ii) twenty elected representatives of students in the manner prescribed by the Ordinances.
- (2) The Chairperson and other office bearers of the Council shall be elected by the members of the Council in the manner prescribed by the Ordinances:

Provided that any student of the University shall have the right to bring up any matter concerning the interest of the students before the Students' Council, if so permitted by the Chairman, and he shall have the right to participate in the discussions at any meeting when the matter is taken up for consideration.

- (3) The functions of the Students' Council shall be to make suggestions to the appropriate authorities of the University in regard to the programmes of studies, students' welfare and other matters of interest to the students and such suggestions shall be made on the basis of majority of the members present and voting.
 - (4) Twenty-one members shall form quorum of the meeting of the Council.
 - (5) The Students' Council shall meet at least twice in an academic year.

Ordinances how to be made.

- **36.** (1) The first Ordinances made under sub-section (2) of section 30 may be amended, repealed or added to at any time by the Executive Council in the manner specified below.
- (2) No Ordinance in respect of the matters enumerated in sub-section (1) of section 30 shall be made by the Executive Council unless a draft of such Ordinance has been proposed by the Academic Council.
- (3) The Executive Council shall not have power to amend any draft of any Ordinance proposed by the Academic Council under clause (2), but may reject the proposal or return the draft to the Academic Council for re-consideration, either in whole or in part, together with any amendment which the Executive Council may suggest.
- (4) Where the Executive Council has rejected or returned the draft of an Ordinance proposed by the Academic Council, the Academic Council may consider the question afresh and in case the original draft is reaffirmed by a majority of not less than two-thirds of the members present and voting and more than half the total number of members of the Academic Council, the draft may be sent back to the Executive Council which shall either adopt it or refer it to the Visitor whose decision shall be final.
 - (5) Every Ordinance made by the Executive Council shall come into effect immediately.
- (6) Every Ordinance made by the Executive Council shall be submitted to the Visitor within two weeks from the date of its adoption.
- (7) The Visitor shall have the power to direct the University to suspend the operation of any such Ordinance and he shall, as soon as possible, inform the University about his objection to the proposed Ordinance.
- (8) The Visitor may, after receiving the comments of the University, either withdraw the order suspending the Ordinance or disallow the Ordinance, and his decision shall be final.

37. (1) The authorities of the University may make Regulations consistent with the Act, the Statutes and the Ordinances for the following matters, namely:—

Regulations.

- (i) laying down the procedure to be observed at their meetings and the number of members required to form a quorum;
- (ii) providing for all matters which are required by the Act, the Statutes or the Ordinances to be prescribed by Regulations;
- (iii) providing for all other matters solely concerning such authorities or committees appointed by them and not provided for by the Act, the Statutes or the Ordinances.
- (2) Every authority of the University shall make Regulations providing for the giving of notice to the members of such authority of the dates of meetings and of the business to be considered at meetings and for the keeping of a record of the proceedings of meetings.
- (3) The Executive Council may direct the amendment in such manner as it may specify, of any Regulation made under the Statutes or the annulment of any such Regulation.
- **38.** Subject to the provisions of the Act and the Statutes, any officer or authority of the University may delegate his or its powers to any other officer or authority or person under his or its respective control and subject to the condition that overall responsibility for the exercise of the powers so delegated shall continue to vest in the officer or authority delegating such powers.

Delegation of powers.

STATEMENT OF OBJECTS AND REASONS

Education is considered as prime driving force in elevating the status of women and it is Government's commitment to ensure gender parity in all spheres of life. The making of quality education, available to everyone—is the most fundamental basis for advancing gender equality and women's empowerment. Armed with such an education, and the self-confidence that comes with it, there is no limit to what women can do-provided they have equal access to job and career opportunities and the determination to make positive changes in the country.

- 2. There are some State Universities and Institutions deemed to be Universities which cater exclusively to women students, but there is no Central University exclusively for women in the country. In the 12th Five Year Plan while the focus is on consolidation of the existing institutions, there is provision for new Central Universities to address the social gap. The University shall be established exclusively for women with an objective to provide for necessary support and supplement the efforts of the Government in women's empowerment by giving them increased access to higher education and research. The proposed women's University will cut across social and religious categories and facilitate girls from disadvantaged sections to enter into higher education.
- 3. Establishment of a Central University for women would have a multiplier effect on availability of empowered women in all walks of life. As a model Central University for women, it will create standards of excellence to be followed by others. Such a Central University will help in the fight to overcome discrimination and change perceptions about what women can and should do.
 - 4. The Bill seeks to achieve the above objectives.

New Delhi; *The* 2nd *August*, 2013.

M. M. PALLAM RAJU.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to establish a new Central University as a body corporate to be known as the Indira Gandhi National University for Women in the district of Raebareli, Uttar Pradesh. After enactment of the Bill, the Vice Chancellor will be appointed, who will prepare the Vision Document and the Draft Project Report under the guidance of the statutory authorities of the University. The actual financial requirements of the University will be worked out on the basis of the Draft Project Report. It is expected that the proposed University would require about Rs. 500 crore during the 12thPlan period. The expenditure would be met from the Consolidated Fund of India through the University Grants Commission under the budgetary provisions of the Minsitry of Human Resource Development.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 29 of the Bill provides that the first Statutes are those set out in the Schedule to the Bill. It also empowers the Executive Council of the University to make new or additional Statutes or to amend or repeal the Statutes of the university subject to the assent of the Visitor.

- 2. Sub-Clause (5) of the aforesaid clause empowers the Visitor also to make new or additional Statutes or amend or repeal the Statutes of the University during the period of five years immediately after the commencement of the Act.
- 3. Sub-Clause (6) further empowers the Visitor to direct the University to make provisions in the Statutes in respect of any matter specified by him and if the Executive Council is unable to implement such direction within sixty days of its receipt, the Visitor may, after considering the reasons, if any, communicated by the Executive Council for its inability to comply with such direction, make or amend the Statutes suitably. The matters in respect of which the Executive Council and the Visitor may make, amend or repeal Statutes include the constitution, powers and functions of the authorities and other bodies of the University, the appointment of officers and teachers of the university, the conditions of service of employees of the University and other such matters.
- 4. Sub-Clause (2) of clause 30 of the Bill empowers the Vice-Chancellor to make the first Ordinances of the University with the previous approval of the Central Government and provides that the Ordinances so made may be amended, repealed or added to at any time by the Executive Council in the manner prescribed by the Statutes. The matters in respect of which Ordinances may be made, or as the case may be, amended, repealed or added to, relate to admission of students, courses of study, medium of instruction and examination, the manner of co-operation and collaboration with other Universities, institutions and other agencies, the setting up of a machinery for redressal of grievances of employees and other such matters.
- 5. Clause 31 of the Bill enables the authorities of the University to make Regulations, consistent with this Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances, in the manner prescribed by the Statutes.
- 6. Clause 45 empowers the Central Government, by order published in the Official Gazette, to make provisions to remove certain difficulties, which may appear to be necessary or expedient and such an order is not to be made after the expiry of a period of three years from the commencement of the Act and such order shall be laid before each House of Parliament.
- 7. Clause 46 provides that every Statute, Ordinance or Regulation made under the Act shall be published in the Official Gazette and they shall be laid before each House of Parliament.
- 8. The matters for which the Statutes, Ordinances or Regulations may be made pertain to matters of procedure or detail and it is not possible to provide for them in the Bill. The delegation of legislative powers is, therefore, of a normal character.

T. K. VISWANATHAN, Secretary-General.